

# THE MODERN PRISON SYSTEM OF INDIA

A REPORT TO THE DEPARTMENT

THE PROGRESS OF PRISON REFORM IN INDIA DURING THE  
TWENTY YEARS FOLLOWING THE PUBLICATION OF THE  
REPORT OF THE 1919-1920 INDIAN JAILS COMMITTEE

BY

LIEUT.-COLONEL F. A. BARKER

C.I.E., O.B.E., O.S.T.J., M.A., M.D., B.C.

I.M.S. (R.D.), FORMERLY S.M.O. PORT BLAIR, AND INSPECTOR-GENERAL OF  
PRISONS, C.P., AND PUNJAB

FOREWORD BY

LORD HAILEY

G.C.S.I., G.C.I.E., G.C.M.G., HON. D.C.L.

PREFACE BY

PROFESSOR P. H. WINFIELD

K.C., LL.D. (CANTAB.), HON. LL.D. (HARVARD), F.B.A., J.P.

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## FOREWORD

*By LORD HAILEY, G.C.S.I., G.C.I.E., G.C.M.G., Hon. D.C.L.*

THE main purpose of Lt. Col. Barker's book is to study the measures taken to implement the Report of the Indian Jails Committee of 1919-20. The work of the Committee was of outstanding importance in the history of Jail organisation in India. There had been previous investigations, going as far back as that of 1836-8 (of which Lord Macaulay was a member), but the growing influence of conceptions based on the experience of other countries and of studies in the principles of penology resulted in giving to the work of the 1919-20 Committee a far more comprehensive range than that of its predecessors. Its recommendations were framed as the result of studies made in the systems of the United Kingdom, the United States of America, and a number of other countries, and its treatment of the penal aspects of the administration of Criminal Justice contains material of permanent value to students of the subject.

Colonel Barker's work is, as he says in his Preface, "in the nature of a personal account rather than of a scientific treatise." It has inevitably been written largely from memory. It has, however, behind it an experience extending over thirty years of practical administration, in the course of which the author held charge of the Prison Settlement in the Andamans, and was head of the Jail Departments in the Central Provinces and the Punjab. But more than this, it embodies the observations of one who was not content to confine himself to the routine conduct of jail administration, but was inspired by a broad and humane outlook on the reformative aspects of the prison system and the after-care of prisoners. Colonel Barker, it may be added, is now the Chief Medical Officer of the Alien Internment camps in the Isle of Man.

Jail administration in India has characteristic problems of its own. That is not due only to the extent of the field with which the administration of Criminal justice has to deal, though here the figures are impressive. In 1939, for instance, the criminal courts of Madras dealt with 640,484 cases; the Bombay courts had before them 430,462, the United Provinces courts 434,715, the Bengal courts 289,451, the Punjab courts 212,743. The remaining six Provinces had a lower, but still a very considerable record. The

finances available for the provision of jail accommodation and jail services are restricted, for it is inevitable that educational, health, and other social services should in the past have exerted a prior claim on the resources available to the Provincial governments. In many quarters there has therefore been a continuous record of overcrowding. But of late years the jail problem has been complicated by the results of the political agitations which have not only rendered the jails liable to a sudden large influx of "political" prisoners, but have given rise to demands for the grant of special treatment and privileges to them. While this has served on the one hand to attract a considerable amount of public attention to questions of jail organisation, and to this extent has not been without its uses, it has, on the other hand, created an obstacle to the normal development of the reforms indicated in the Report of the 1919-20 Committee. There are still many important problems awaiting solution, and most notably that of discriminating between the treatment to be given to "criminal" prisoners and to those who, though convicted of breach of the laws, do not properly fall within that description. Quarrels about land, communal rioting or family disputes provide the jails with large numbers of prisoners whose offence against the law may be serious, but whose moral character and outlook on life are far from "criminal". Again, many of the Indian magistracy have yet to learn the value of a courageous use of discriminative sentences, or of the provisions made for treatment of first or casual offenders. The Provincial governments themselves have not yet shown a sufficient appreciation of the need for development of a Probation Service, for extending the procedure of release on licence, or for making special provision for juvenile or mentally deficient offenders. While, therefore, many of the problems with which the Jail departments have to deal may appear at first sight to arise within the jails themselves, they are fundamentally questions of the policy to be pursued in the general administration of Criminal Justice. This fact is amply illustrated in Colonel Barker's book, and it is this which must, I think, give it a special value for the Cambridge Department of Criminal Science.

## PREFACE

As the learned editors point out in their Editorial Note, the Cambridge University Department of Criminal Science put the penal system of India in the forefront of the investigations contemplated by them in the comparative study of criminal justice in the British Commonwealth of Nations. None of us had a shadow of doubt as to the advisability of giving India the primary place—least of all myself, for a brief visit to India some years ago confirmed two impressions of mine; first, the danger of regarding that great population, with its varied congeries of races and religions, as a homogeneity like England; secondly, the consequent difficulty of making Englishmen better acquainted with India.

We were fortunate indeed in securing Colonel Barker's help, for this book not only clearly describes the prison system of India but also gives a vivid account of the many factors that make the problems connected with the system infinitely more complicated than those with which we have to grapple here. It throws so much light on social and political conditions in a sub-continent that the general reader will profit by it just as much as the researcher in criminal science, and there never was a time in our history when reliable information about those conditions has been so urgently necessary.

In his interesting article on "The Indian Penal Code" (60, *Law Quarterly Review* (1944), 37-50) Sir George Rankin, writing with the authority of a former Chief Justice of Bengal, says: "That it has established itself as an eminently successful code of law both in India and elsewhere may now be affirmed without fear of contradiction"; and, "We do find in detail that great attention has been paid in the Code to India's special problems, which arise not merely out of the religions and usages of the people but out of the distances, the contours, the climate of the country and the racial distinctions among those who in different ages have poured into it from the north". Colonel Barker's study is a stimulating and graphic account of the efforts of those responsible for the administration of the prison system in India to give effect to the ideas and principles that underlie the Penal Code.

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We take this opportunity of expressing our grateful acknowledgments to Lord Hailey, who has very kindly provided a Foreword to the book, which itself is a marked testimony to the importance of the subject.

St. JOHN'S COLLEGE,  
CAMBRIDGE

P. H. WINFIELD

## EDITORIAL NOTE

THE complexity and colour of Indian life and institutions have always exercised an attraction for those interested in the growth and structure of that composite polity which has become the British Commonwealth of Nations.

It is for this reason that, in furtherance of the plan initiated by the Cambridge Department of Criminal Science for the comparative study of criminal justice throughout the Commonwealth, we selected the penal system of India as the first subject for preliminary investigation. No such investigation can be carried far, or even adequately organised, in the midst of world-wide conflict, but it was felt that a beginning, at any rate, could be made.

The Criminal Code of India regulates, under a uniform body of legal principles, the lives of more millions of people than any other system which the world has known. These millions are, moreover, divided into many communities of widely diverse racial, religious and social characteristics. "The law of England," said Sir James Stephen, "resembles that of Rome in many ways and perhaps in nothing so much as in the fact that it prevails in a great number of countries other than that of its origin, and this is perhaps more strikingly true of the criminal law than of any of its other departments."<sup>1</sup>

This unification of the principles of criminal law is remarkable enough, but the need to provide for the efficient and satisfactory administration of criminal justice is not by any means completely satisfied by the establishment of a comprehensive set of abstract rules of criminal law, however skilfully they may be devised. For the prevention of crime and for the fair treatment of the individual criminal it is more desirable to practice a wise application of the rules of criminal law than to achieve a logical refinement in the formulation of the rules themselves. This is especially true of a country like India; to frame a suitable code of principles for so heterogeneous a population was a task of magnitude: but even greater is the difficulty of constructing the machinery of police, courts, and prisons, to say nothing of the less traditional methods of treating delinquents which modern criminal policy is elaborating.

<sup>1</sup> See *History of Criminal Law of England*, Vol I, 1883, p. 8.

Official enquiries into the administration of criminal justice and the penal system of India have a tradition of nearly one hundred years. They began with the Prison Reform Committee of 1836-38 of which Lord Macaulay, the chief architect of the Indian Criminal Code, was a member. The three other important investigations in the past are those of 1864, 1877 and 1888-89.

There is, however, no doubt that the most thorough and comprehensive enquiry is that carried out by the Indian Jails Committee of 1919-1920. The report, a volume of 550 pages, embodies the result of a work accomplished by a strong committee of 9 members under the Chairmanship of Sir Alexander G. Cardew, K.C.S.I., I.C.S., Member of the Executive Council, Madras. After having studied in the countries themselves the administration of criminal justice in England, Scotland, the United States of America, Japan, the Philippines, Burma, Hong Kong and the principal states of India, the Committee issued a report which put forward a very large number of recommendations which deeply probed the whole Indian penal system. This report, together with four volumes of Evidence which include many valuable memoranda drawn up by experts for the use of the Committee, forms a landmark in the penal history of India.<sup>1</sup> In its practical importance it affords a parallel to the famous Gladstone Report of 1895 which inaugurated a new period of penal policy in England.

Thinking it advisable to ascertain the extent to which the authorities responsible for the administration of criminal justice in India have acted upon the principal recommendations of the above mentioned State-paper, we approached Lieutenant-Colonel Barker and we have been fortunate in obtaining his collaboration. Colonel Barker has an unrivalled experience in this subject, since for nearly thirty years he has taken a prominent part in Indian penal administration and reform. We take this opportunity of thanking him for his co-operation in an activity which is being pursued in the University of which he himself is a distinguished graduate.

In order to appraise correctly the penal system of a foreign country it is necessary to take into account any peculiar features which its criminality presents. The attitude towards crime which has been developed in England on the experience derived from a knowledge of our own conditions alone must be revised before we

<sup>1</sup> Report of the Indian Jails Committee, 1919-1920 [Cmd. 1303] 1921, with 4 volumes of Minutes of Evidence.

can, with any safety, form conclusions as to the penal policy to be adopted in India, where life and customs are so different and so varied. We have accordingly asked Sir Louis Stuart and Mr. A. Campbell to provide us with an illustration of this diversity in the form of notes on the crime of murder, since its exceedingly high co-efficient is the first thing that strikes any one who studies the criminal records of India. In the Punjab alone roughly speaking 200 executions for murder take place every year, a figure which exceeds the total for 35 years in the United Kingdom. This is all the more remarkable since only about 20 per cent. of the murderers are brought to trial at all, and of these not more than 25 per cent. are sentenced to death. Sir Louis in his note has drawn upon the rich experience of 30 years during which he acted as a Judge and as a Judicial Secretary in different States of India; Mr. Campbell, who was a High Court Judge at Lahore, has added to Sir Louis's very instructive note some new and extremely interesting observations.

In the Appendix we reproduce *in extenso* the recommendations of the Report of the Indian Jails Committee 1919-20. We wish to thank the Controller of H. M. Stationery Office for his kind permission to do so. These recommendations should be carefully considered as they form a contribution to general penology and a great number of them can be of use even outside India.

Too little is known in this country about penal developments in other parts of the Empire. These provide a student interested in criminal science with a most important field for investigation. A decent and efficient administration of criminal justice constitutes an essential element in the social welfare and cultural level of any country. Within the British Commonwealth of Nations the responsibilities of England in this domain have long been acknowledged. For instance, in 1867, a Blue Book<sup>1</sup> was issued, of which the first part "described the state of the various colonial prisons" for the information of the Colonial Office; the second part summarised "for the benefit of Colonial Authorities, the chief results of the experience of this country in the management of Criminals". We can also find, in many more modern official inquiries into colonial affairs, chapters with recommendations devoted to penal administration. There is no doubt whatever that a considerable amount of work will have to be accomplished before the penal

<sup>1</sup> Digest and Summary of Information Respecting Prisons in the Colonies, etc. [3961] 1867.

systems in many parts of the British Commonwealth of Nations reach a desirable standard.

An important step in this direction was made before the outbreak of the present war, by the setting up at the Colonial Office of a special body called the "Colonial Penal Administration Committee" which has been very active in promoting the improvement of criminal administration in the colonies. This Committee has lately been incorporated in a larger body with a wider scope of activities.

So soon as the international situation permits, the problems of penal administration in the Colonies will need to be attacked with constructive boldness and imagination. Their solution can hardly be achieved without a thorough study of the economic, social and cultural background of each administrative unit.<sup>1</sup> The history of criminal justice in England affords good grounds for hope that the work of improving the penal standards throughout the Commonwealth will find inspiration and support in this country.

L. R.

J. W. C. T.

DEPARTMENT OF CRIMINAL SCIENCE,  
FACULTY OF LAW,  
UNIVERSITY OF CAMBRIDGE.

<sup>1</sup>An example of such an enquiry is the Report on the "Prevention of Crime and the Treatment of the Criminals in Burma" by Mr. Alexander Paterson, H.M. Commissioner for England and Wales. (1927) Government Press, Rangoon.

## AUTHOR'S PREFACE

OWING to war conditions and the preoccupation of all in India who might have been able to furnish the statistics and facts required for an accurate presentation of the present-day position of prison reforms, it has been necessary to rely almost entirely on memory. And memory, though a sound guide for principles and general progress, is apt to err when it is a matter of figures and dates. I must therefore crave the indulgence of readers if errors in detail have crept in, and I would ask them to write and point out any such errors, so that they may be corrected.

I am also very conscious that in this account of Prison Reforms in India undue prominence may have been given to those Jail Departments which I know best and that very much has been omitted which should have found a place in it. Again I must plead as excuse for such omissions the inability to secure the requisite information in these war days. On the whole it seemed better to record without longer delay an admittedly incomplete account of the reforms which have been carried out in Indian prisons during the past 20 years rather than to wait till the war is over.

It was in 1910 that I first visited an Indian jail. As I walked modestly behind the Jail Superintendent and Medical Officer along a row of cells, suddenly a pailful of filth shot out of a cell and fell in a cascade over the Superintendent and his spotless silk suit! Amid the excitement and while buckets of water were being poured over this very senior officer, the struggling prisoner was dragged out of his cell and placed upon the whipping triangle which had hurriedly been brought. The aggressor was summarily flogged; the Superintendent retired to don new clothes, and I left the jail saying to myself, "If that sort of thing is of frequent occurrence in jail work I'm not for it!" But as I cycled homewards the thoughts kept recurring to my mind; "What induced that prisoner to commit such an idiotic act?" and "Was the resultant punishment calculated to do the offender any good, however necessary it might be to deter others?" This led to my return to the jail for more instruction, and in due course I was posted to Port Blair as Medical Superintendent of the jails there. From 1910 to 1939, with gaps due to military service and other appointments, prison duties have taken me to the Madras Presidency, the Cen-

tral Provinces and the Punjab, while I have from time to time visited the jails of Bombay and Bengal, Burma, the United Provinces and N.W. Frontier Province, as well as prisons in other countries. Throughout it has been my aim to find the possible good amongst much that is evil and to reform rather than to punish, to encourage and stimulate the good in people rather than find fault with the bad. St. Paul's advice to the Romans is as valuable now as when he wrote it;—"Be not overcome of evil, but overcome evil with good."

F. A. B.

## RESUME OF INDIAN JAILS COMMITTEE'S REPORT

IT was in April, 1919, that the Government of India decided to appoint a committee of officials and non-officials to investigate the whole subject of jail administration and to suggest improvements in the light of the experience of the West. No such general enquiry had been made since 1888-89, and already in 1913 the Imperial Legislative Council had felt that a fresh investigation was necessary. Local Governments were at that time consulted and were found to be unanimously in favour of such an undertaking. Steps for the constitution of the committee of enquiry were in progress when war broke out with Germany and her allies. The project had in consequence to be temporarily abandoned, but the experience of the following five years emphasised still more the necessity for such an enquiry. As soon, therefore, as arrangements could be made after the declaration of peace the Indian Jails Committee was appointed. This Committee, in its terms of reference, was instructed to enquire particularly into the following subjects, namely:—

- (1) the efficacy and appropriateness of the existing system of prison administration and restraint on liberty in India, including the Andamans and any settlements constituted under the Criminal Tribes Act, 1911;
- (2) the possibility of strengthening the reformatory influence of prison administration and discriminating in regard to the treatment of criminals of different classes and ages; and—
- (3) the best means of assisting prisoners after release to regain a position in society.

To these was added a fourth,—

- (4) Jail manufactures; the competition of jail products with similar articles produced by free labour, and the use of power-driven machinery in Indian jails.

The Committee began its work in June, 1919, in London, and during the summer and autumn of that year visited prisons in

England and Scotland, the U.S.A., Japan, the Philippines and Hong Kong. It was not until the very beginning of January, 1920, that the Committee reached India and began its work there. The first part to be visited was the Madras Presidency where a fortnight was spent. The Committee then proceeded to the Andaman Islands.

The writer had preceded them there only a fortnight before and had taken up the duties of Senior Medical Officer, Civil Surgeon and Superintendent of the Cellular and Female jails. Having had two years' previous experience of the Settlement and these duties in 1910-12, he was in a good position to explain the past and present medical conditions to the Members, none of whom had ever visited the Settlement before. The shortage of staff and equipment during the war years had however militated against public health work; the pandemic of Influenza in 1918-19 had taken its toll here as elsewhere, and political agitation had been making wild statements about the unhealthiness of Port Blair. Consequently, the Members of the Committee had arrived with their minds already biased, and it was difficult to persuade them that—given a proper staff, well-equipped hospitals and grants for swamp drainage—the health of the Settlement could be brought up to a satisfactory level. That this was done will be shown in a later chapter, but it was then too late and the Committee's Report had already condemned Port Blair's climate somewhat unfairly. The same may be said of other aspects of the Settlement.

After a 10 days' stay at Port Blair the Committee visited in turn Burma and all the Presidencies and Provinces of India with the exception of Assam, and concluded its labours at Simla in May, 1920. Its Report, which was published in the following year, was exhaustive and contained a very large number of invaluable recommendations, dealing—amongst others—with such subjects as Prison administration, Staffs, separation and classification of prisoners, prison labour and manufactures, discipline and punishment, reformatory influences in prisons, prison hygiene and medical administration, aid to prisoners on release, measures for the prevention of committal to prison, probation, Borstal treatment, treatment of special classes of prisoners and the principles of prison construction. At the commencement of the Report the Committee defined the aim of prison administration as being "the prevention of further crime and the restoration of the criminal to Society as a reformed character".

It considered the following to be the essentials of prison administration:—

- (a) Expert superintendence,
- (b) A properly selected and paid Staff,
- (c) Proper classification and separation of prisoners,
- (d) Reformatory influences,
- (e) Aid to prisoners on release,
- (f) Measures to prevent imprisonment (especially for children and the young),
- (g) Measures to shorten imprisonment;—

and it stressed the true economy of outlay on reform. In its Report the Committee took up these Essentials more or less in the order mentioned, discussing in each case the existing procedure, its defects and good points, and then making such recommendations as it thought would make for improvement and reform.

The action taken by the Government of India and Provincial Governments on these recommendations will be the subject of succeeding chapters.

## II

### HISTORY OF REFORMS DURING THE SUCCEEDING TWENTY YEARS

THE publication of the Report of the 1919-1920 Indian Jails Committee gave an immediate and great impetus to prison reform throughout India. The Government of India took its strictures and recommendations seriously to heart and issued instructions to all Local Governments to study the report, and to consider how far the defects mentioned could be remedied and the recommendations put into practice. At the same time all the principal newspapers of India published long résumés of the report together with leading articles advocating—in terms more or less suited to their political bias—immediate action.

The newspaper publicity, coupled with the official interest in the subject, led to wide reading of the report by social and political reformers, lawyers and magistrates, teachers and men of intellect in non-official life.

It may therefore be said that this Report was the foundation stone of modern prison reform in India, though much pioneer work had been done earlier by individuals such as J. P. Cameron, I.M.S., who later became Inspector-General of Prisons of the Madras Presidency.

And it was not only the *Prison* Departments which were affected by the Committee's recommendations; *Penal* Reform also received a great fillip. The enactment of Borstal Acts, Children and Probation Acts, the Punjab "Good Conduct Prisoners' Provisional Release Act" were undoubtedly the direct or indirect result of the general interest caused by the Report.

The Government of India delegated the introduction of reforms, either by legislation or executive instructions, to the Local Governments of the respective Presidencies or Provinces, each of which was left to take such action on the recommendations of the Committee and the Central Government as it thought right or feasible. Many of the recommendations were quickly introduced, but there were also many which were held up by lack of funds. It is also to be regretted that several Provinces made little effort to overcome their inertia or the actual difficulties in their way.

During the 20 years that followed the Committee's enquiry the writer served as a prison administrator successively in the Andamans, the Madras Presidency, the Central Provinces and the Punjab, while he also took the opportunity to see personally and to study nearly all the other prison administrations of India and Burma as well as those in the United Kingdom and in such other countries as Switzerland, Palestine and Irak. In reviewing the history of prison reforms during those years, however, it seems best to consider one Province in detail, using it as a type for the rest of India.

In the Punjab, then, the Inspector General Lt. Col. E. L. Ward, I.M.S., took immediate action on the Report and submitted detailed recommendations to his Government. These were gradually being acted upon when, in 1925, the Punjab Government appointed a special Committee to enquire into the conduct of Punjab Prisons. This followed a similar Committee of enquiry into the Punjab Police Dept. The Committee's Report, though in some respects unduly hard on the officials of the Jail Dept., yet did bring to light a number of serious malpractices, etc., and it helped to expedite a steady series of reforms during the next 12 years.

One of the most pressing problems to be faced was that of the overcrowding in Punjab Jails. Though not so serious as, for instance, in the Bombay and Bengal Presidencies, and Burma, the population figures showed an excess over accommodation of 13 per cent., while during some years under review by the Committee, such as 1915, the jail population had touched 20,030 as against an authorised accommodation of 12,293 (exclusive of hospitals).

These figures appear, on paper, to be more serious than they really were, for the Punjab Jails cover a wide area and it was not a difficult matter to accommodate the excess in "Camp" enclosures within the main walls. Nevertheless, the Punjab Government took action and budgeted for an entirely new Central Jail for 1,500 prisoners at Multan, two subsidiary jails for 300 and 400 to replace the condemned "Serai" jails at Gujrat and Kasur respectively and an additional accommodation for 600 adolescents at Lahore. The three new jails were built between the years 1927-1933, and incorporated nearly all the structural recommendations of the Committee.

Unfortunately, they did not succeed in reducing the overcrowd-

ing, for by the time they had been built the average jail population had risen greatly. In 1929-1930 the wide-spread anti-Government agitation and Congress Mass non-co-operation movement filled the jails of India to overflowing, and those of the Punjab were no exception. The Indian Jails Committee, in its Report, had commented specially on the overcrowding in the Lahore Central Jail, pointing out that its average population during the previous five years had been 2,039 as against an authorised accommodation of 1,309. But, during the years 1929-1931 its condition in this respect became much worse, for—though its accommodation had been raised to about 1,580—its average population perforce rose to over 2,500 and on one day reached 2,999. This was in 1931, when a political agitation against Kashmir State led to an unprecedented influx of prisoners into the Punjab jails. Bands of Ahrar agitators were daily marching with banners into Kashmir, where they were promptly arrested until the State Government felt the situation was becoming too much for them. So they appealed to the Government of India, who despatched the writer to Kashmir to ascertain the facts and submit recommendations. The conditions were found to be so serious that there was no alternative but to evacuate the prisoners to the Punjab and to arrange for the arrest of all future bands before they entered the State. This led to the reception into the Punjab jails of 11,500 Ahrar prisoners in the course of three months.

To meet this emergency, the "camp" accommodation of all the jails was strained to the limit and an additional camp jail for 2,000 was erected in five days! Extra staffs and warders had to be recruited; extra clothing and bedding (including four blankets for each man) provided; extra food, medical equipment, etc., procured, in order to supply the bare essentials. The "high-lights" of prison administration had, for the time being, to take second place. Classification was almost impossible: one instance will suffice as an illustration:—One day information was received that a special train containing 900 Ahrar prisoners was being despatched from Sialkot to Lahore. It was decided to accommodate them in the new Borstal buildings, then nearing completion. The train-load arrived late at night, with one general warrant for the confinement of 900 prisoners, each awarded three months R.I. No names; no means of identification; merely "Ahrar No. 1" to "Ahrar No. 900". And when they actually arrived at the main gate of the Institution there were 1,250 of them, including women

and children! Apparently quite a large number of onlookers at the Sialkot Station had seen the chance of a free rail journey to Lahore and had slipped on board the train unawares. The only action that could be taken was to turn away the women and children and to detain all the men and youths, whether actually agitators or not, until the authorities could sort them out.

But one good resulted from this particular affair. The Ahrar agitators, as they passed through Sialkot, had drawn into their ranks quite a large number of expert "hands" from the sports workshops for which Sialkot is famed. These were quickly noticed by the Borstal staff, who gave them the work of instructing adolescents in the manufacture of sports gear of all kinds. The Borstal Institution thus became one of the largest suppliers to Government Institutions of the simpler kinds of sports equipment and the lads learned a trade which proved most useful to them after release.

But to return to the agitation against the Government of India. Although many of those who took part in the non-co-operation and mass disobedience movements were "non-violent" in their methods there was also a fairly large number—mainly young men—who both advocated and practised violence as a means to their end: of these there were important groups in the U.P., Madras and the Punjab. The latter were brought to trial in what came to be known as the 1st and 2nd Lahore Conspiracy Cases. Amongst their crimes were the cold-blooded shooting of a police officer in Lahore, the bombing of a police station, and throwing a bomb into the Assembly at Delhi. These prisoners were also responsible for making fashionable the procedure of hunger-striking as a method of resisting jail authority and causing trouble generally.

The publicity given to these two Conspiracy trials and the "demands" of the accused for special treatment as so-called "political prisoners" led to the appointment, by the Punjab Government, of a special Committee of Enquiry, consisting of the writer, as Chairman, Mr. C. M. G. Ogilvie (now Defence Member) as Secretary, and Members all of whom were Indians.

I well remember visiting the accused, who at that time had all been on hunger-strike for many days, and asking them to give up their strike pending the result of the Committee's enquiry. One of them, Jatindra Nath Das, who was already very ill as a result of his strike, replied: "We will only give up our hunger strike if you will give your word of honour, as Chairman, that all our demands

will be acceded to." To this I said, "I am only the Chairman; but all the Members are your friends. Can you not rely on them to do what is right for you?" His answer was, "No, Sahib. In a crisis the word of an Englishman is worth more than all one's so-called friends." These were the last words he spoke to me: a few days later he died.

The Committee, among many other recommendations, proposed the classification of all prisoners into three classes. The decision of the class into which each prisoner should be placed was to be based on the nature of the crime itself, without taking into consideration its motive; and the character, status and mode of life of the accused himself.

The Punjab Committee was followed in other Provinces by similar committees, whose recommendations followed closely the lines of the Punjab's Report. None of the Committees ventured to define the vague term "political prisoner", and were undoubtedly wise in avoiding dogmatism on this thorny subject.

It may be pointed out that, in India, the problem of dealing with the criminal population presents far more difficulties than it does in the West. In England we have to do with people almost entirely of one nation and language, and the differences in religion are of very minor administrative and executive importance. Also, the differences in mode of life, diet and clothing are much less marked in the West. In India, however, there are many different races, languages and religions. The latter have laws and customs for which provisions have to be made and which are so closely bound up with social customs and political views that there is constant danger of inter-communal strife—within jails just as much as outside. Hindus wear their hair short or shave the head; Baluchis must have it neck-length; Sikhs may not cut it at all. Muslims must have trousers; others may wear shorts. A cotton cap is a suitable headdress for the majority, but both custom and their long hair necessitate a turban for Sikhs. The character and cooking of food provide important differences and difficulties. Among the so-called political prisoners are many accustomed to a Western mode of life—in dress, food and habits. Their diet differs markedly from that to which Indian villagers are accustomed, and the fact was recognised and catered for in the new classification. Strict Hindus may not eat food touched by outcastes or by non-Hindus. As the reverse does not hold good it has for many years been the practice to have all food in Indian jails cooked by caste

Hindus. But—in the Punjab at least—the Muslim demand for separate kitchens and cooks became so insistent—ostensibly as a “reform” but actually in order to be on a par with the Hindus—that Government agreed to provide separate Muslim kitchens and cooks in all Punjab jails. The Sikhs thereupon agitated for a similar concession for their own co-religionists, and on several occasions threatened mass agitation if meat which had been killed by means other than their own religious method were introduced into jails. This agitation failed, and the meat difficulty was overcome by providing eggs and fish in lieu of meat for the small number of sick who required such nourishment.

In Bengal, where Muslims are also strong, the demand for separate kitchens was not great.

After the conclusion of the protracted trials in Madras, Bengal, the U.P. and the Punjab, of the groups of “political” offenders accused of violent crimes the Government of India decided to transport some of the convicted men to the Cellular Jail at Port Blair, where special arrangements were made for their reception. It was felt that if only such agitators and disturbers of jail discipline could be removed it would be possible to get on with the proposed reforms. Over 200 were therefore transported, and took with them their methods of causing trouble and difficulties. These culminated, in 1935, in a mass hunger strike and work strike, designed to secure further concessions as political prisoners. The Government of India deputed the writer to visit the Andamans and advise on this emergency. The more reasonable requests of the prisoners were in the end almost all acceded to and the trouble subsided. After a time these prisoners were gradually repatriated.

Burma was not much affected by the 1929–30 agitations; nevertheless, its increase in ordinary criminals caused much overcrowding.

On the advent of Provincial Self-Government in 1936 immediate attention was given to the subject of Penal and Prison reform; and especially so by the Congress Ministries. Much publicity was aroused, and most prominent amongst its advocates was the Congress Premier of the United Provinces, who quickly appointed a Jails Reform Committee to enquire into the actual state of affairs in U.P. jails and to submit recommendations. This Committee presented a long report which showed, *inter alia*, that the U.P. jails were very backward in many aspects, compared with other Jail Departments. Many of the reforms which it now

advocated for U.P. jails had already been introduced or tried in the Punjab jails during the previous 10 years. More than one had been tried and eventually discontinued as unsatisfactory.

Other Congress Governments followed the lead of the U.P. and proceeded to consider useful reforms in staff, clothing, dietary, education, industries, recreation and the like.

The world-wide financial slump in 1929-1930 had made many reforms an impossibility, for all Provincial Governments had had to make drastic reductions in their Budgets for all save essential services.

The Punjab, which was and remained a non-Congress Government, had fortunately allocated its funds before the slump affected it, so the building of its new jails was not interrupted and the re-organisation of its staff went on. The Province also introduced the "Pecule" system, at a cost of about 2½ lakhs yearly, but this—for various reasons—did not prove a success and was eventually given up.

One of the minor results of assumption of office by Congress Ministries was that quite a number of former "non-violent non-co-operators" found themselves in positions of authority instead of being anti-Government agitators. This rather altered the complexion of the term "political prisoner". There was no hesitation in retaining the term—and its privileges—for those who attacked the Government of India—but Congress opinion was not so unanimous about those who disagreed with the policy and actions of the Congress Governments! Nevertheless, by 1938, several of the latter had decided to abolish the three Classes of the 1932 Committee and to replace them by two only;—"political prisoners" (including both non-violent and violent—even murderers) and "others". No longer was any ordinary prisoner to receive consideration in regard to his character, status, or mode of life whether Eastern or Western: these concessions were to be reserved for "political prisoners", though the difficulty of defining that term baffled Congress Ministers just as much as Government Officials.

The Congress Governments resigned in 1939 following their disagreement with the Viceroy. As a result, the administration of the Presidencies and Provinces concerned reverted once more to the Governors, helped by Members whom they appointed. This change would not, in itself, have retarded the progress of Prison reform, for the Governors could be fully relied upon to encourage and

carry on those reforms which were on sound lines. Unfortunately, the Congress—still led and inspired by Mr. Gandhi—would not let matters rest, even though war with the Axis powers had broken out and the British Empire was fighting for its very existence. The Congress leaders, though they shared the practically unanimous feeling of detestation of Nazi principles and methods could not refrain from making use of England's war difficulties to press for immediate political concessions. Mr. Gandhi's order to his followers to court arrest and imprisonment resulted in a general influx of Satyagraha prisoners which exceeded in volume even the troublous non-co-operation days of a decade before. To take the United Provinces as an instance, the average total population of its jails had been about 30,000. In June, 1941, there were actually 28,700 ordinary prisoners *plus* 13,354 Satyagraha and other "political" prisoners, thus raising the total population to over 42,000. In England, even without the difficulties of such political troubles, war conditions have greatly hindered the reforms so painstakingly carried out during the previous 20 years. It is feared that, in India, the effects of the war, together with these needless political difficulties, will in like measure retard the progress of Penal and Prison reforms.

### III

## THE AIM OF PRESENT PRISON ADMINISTRATION

THE Committee of 1919-20 wisely decided to refrain from discussing the many theories of crime and punishment which had been advanced in previous years. The members considered it "sufficient to adopt those principles which are more or less generally admitted". They went on to say, "There is very general agreement that crime is an anti-social act and that it is the task of the prison administration so to deal with the offender that he and others may be deterred from the commission of such acts in future. It is also generally admitted by modern authorities that the aim of the prison administration should further be to effect such a reformation in the character of the criminal as will fit him again to take his place in society and to become a good citizen. Whatever differences exist as to the methods to be employed, we take it that most penologists agree as to the objects in view, namely, the prevention of further crime and the restoration of the criminal to society as a reformed character."

These views were generally accepted by penologists, both official and unofficial, and by prison administrators in India, though the extent to which they endeavoured to carry them out varied greatly in the respective presidencies and provinces. When, in 1912-14, it was my lot to organise the Borstal Institution in Lahore, it was with the greatest difficulty that I could find anyone at all to take an interest in the aftercare of released prisoners, and had it not been for the Salvation Army all efforts in that direction would have failed to materialise. It was the Salvation Army who provided a hostel to which these lads might go on release and where they might learn or continue to work at a trade which would be of use to them in their free life.

From 1921, however, when the Jail Committee's Report began to be read, the non-official public as well as the officials concerned began to take an active interest in the subject of Penal Reform and to endeavour to carry out the principles quoted above. Foremost in this was the Madras Presidency, whose prison administration, under the guiding hand of its I.G., Lt. Col. J. P.

Cameron, I.M.S., and with the encouragement of the Governor, quickly became the most enlightened and progressive in India. In this same year, 1921, the Madras D.P.A.S. was formed and, thanks to the orders of the Governor who instructed all Government officials to lend their support, soon spread from the presidency town to all places where large jails were situated.

Later, a Children's Act was passed and (what is equally important) the requisite machinery of children's courts, remand homes and certified schools, was set up.

In the jails themselves overcrowding was reduced, a very high standard of health maintained by means of good sanitation and preventive measures, high power machinery installed in selected jails, a model Borstal Institution inaugurated at Tanjore, and a special jail set apart for mental defectives. While realising the necessity of confining criminals in jails for the prevention of further crime and the protection of society, the ideas of retribution and deterrence gradually gave way to that of reform, and sincere efforts were made in many parts of India so to treat and train the prisoners that they might return to civil life better and more law-abiding than when they entered the jail gates.

The immediate aims of other administrations varied according to the urgency of their needs. For instance, in the Punjab overcrowding was one of its problems. One of the jails was an old serai which had been condemned as a prison as far back as 1867 but was still in use. There was also the question of long term prisoners who, besides forming a large percentage of those already in the Punjab jails, might at any time be augmented by the repatriation—under the Committee's recommendations—of transportation convicts from the Andamans. The Punjab therefore first concentrated on the building programme mentioned in the previous chapter. Later, it tackled in turn the numerous other reforms which will be referred to in succeeding chapters. In the same way the other jail departments endeavoured with varying energy and success and as funds permitted to carry out the many recommendations of the Committee.

## IV

### STAFF: ADMINISTRATIVE; EXECUTIVE; CLERICAL

ONE of the results of the Indian Jails Committee's visit was a much closer intercourse between officers of the Indian Jail Departments and those of the English Prison Service. Para. 47 of the I.J.C. Report strongly recommended that officers of Indian Jail Departments should take every opportunity to visit and study the prison administrations of other countries, and that the Government should give facilities, in the form of study leave, for this purpose.

Although the Government of India found themselves unable,—presumably for financial reasons—to sanction study leave to the U.S.A., they eventually made arrangements for their officers to join a special course in prison administration for officers from Overseas. This course has proved of the greatest value. The first one was held in 1927 and consisted of a week of lectures and discussions in London, combined with visits to metropolitan prisons and courts, followed by a week's tour of prisons elsewhere.

One of the lectures was on the subject of "a good staff", and Col. Knox gave a glowing account of the character and attainments required of those who desired to join the cadre of the English Prison Service. In the discussion that followed, it was pointed out that, in India, although endeavours were being made to secure some minimal educational qualification such as the Matriculation, the matter was not so simple as it appeared, for so often it had been found that the Indian's educational qualifications were in inverse ratio to his moral qualities! However that may be, it is a fact that the 20 years under review have shown many reforms in the staffs of the Indian Jail Departments.

#### ADMINISTRATIVE

As regards the administration of the various Jail Departments only very little change has occurred. The 1919-20 Committee could come to no unanimous agreement on the best type of man for the post of Inspector-General. The report itself recommended that the post be filled, by selection, from the ranks of Central Jail

Superintendents, whether medical or non-medical. But four of the six members dissented from the terms of the general report; two of them (including the English Prisons representative) advocating a separation of medical from non-medical duties for both the Inspector-General and the jails, while the two ex-Inspectors-General members urged with equal force the retention of the existing system of medical men for both posts.

The writer, with an experience of Indian prison systems extending over nearly 30 years but with no personal bias in the matter, sees no reason to be dissatisfied with the past procedure, tho' it is more than probable that—for political and other reasons—there will be a change in the near future.

All experienced authorities are agreed that (as stated by the two medical members of the Committee) "the immense improvement in health and vital statistics which has been achieved in Indian prisons is largely the result of the work of members of the Indian Medical Service". And it is this Service which has supplied, almost exclusively in the past, the Inspectors-General and the Central Jail Superintendents of the Jail Departments (though the Madras Presidency, for instance, had had a non-medical Inspector-General and several non-medical Superintendents of Central Jails). The arguments of the two medical members appear to the writer to be conclusive, and nothing that he has seen in the prison administrations of England and other countries has done anything to shake his opinion that the existing form of administration is—for *Indian prisons*—as good as any that may be devised. Nevertheless, the present world war and the probability of Dominion Status (if not complete Independence) for India after it will without doubt lead to many changes, amongst which may be the demise of the I.M.S. as such. The future Government will then have to decide whether to continue to administer the jails under a civil medical Head or to split up the administration among several officials as in England.

During the 20 years since the issue of the Report there has been no one with sufficient claims to replace the jail officers of the I.M.S. in the posts of Inspector-General. But in several Jail Departments it has been found possible, financially, to relieve the Inspector-General of some of his routine and technical duties by the appointment of a Deputy Inspector-General or a Factory Supervisor. The Punjab Government made both appointments. Both these officers combine touring with their clerical duties and

the head office; the Deputy makes routine inspections of the District and Subsidiary Jails and special inspections of all jails as required by the Inspector-General; the Factory Supervisor visits all jails where special industries are being carried on, checks output and financial costs. He also seeks out fresh openings for jail manufactures, especially in the various Government Depts., secures orders, places them with the most suitable jails and ensures delivery of the goods according to the contracts made.

The assistance given by officers such as these enable the Inspector-General to devote much more of his time to the larger issues, medical and non-medical, of his Department, to the inspection of the Central and big District Jails, and to the inauguration and promotion of reforms generally.

In view of the character of his normal duties and the fact that he deputises for the Inspector-General during his absence, it is advisable that the Deputy should also be a medical man. The Factory Supervisor, on the other hand, should be a man well trained in the textile and other industries which are carried on in the jails of his Province.

#### EXECUTIVE STAFF

*Superintendents.*—When the Jails Committee visited India in 1920 it found a number of Central Jails in charge of part-time Superintendents, while no District Jail had a whole-time officer in charge. The Committee, in their Report, recommended that there should no longer be any distinction between first and second class Central Jails, and that every Central Jail should have a whole-time Superintendent. They went further; they recommended that the same principle should apply to every jail with a population of 300 or over.

It should be realised that the Committee saw the jails at a very difficult time, when a large percentage of experienced jail officers—taken away on active military service—had not returned. This had resulted in a lowering of the standards, of administration, industries, sanitation and medical treatment, which had been unavoidable. It was for this reason that some Central Jails were without whole-time Superintendents. Nevertheless the Committee had good ground for criticism, for there were District Jails with an average population of 1,000 or more which had never had more than the part-time superintendence of the Civil Surgeon

of the District;—a man with many other onerous duties to perform. Several Provincial Governments decided to remedy this defect: in the Punjab, Government aimed at providing whole-time Superintendents for every jail with an average population of over 500, and this was gradually brought into effect. Indian Medical Service officers were still appointed to the Central Jails, but the large District Jails were placed in charge of selected officers from the Provincial Civil Service. The medical work of such jails was still carried out by the Civil Surgeon. In the case of a few jails, one of which was the special jail for tubercular cases, the Superintendent was a medical officer of the Assistant Surgeon or Provincial Medical cadre.

On the whole, the innovation worked satisfactorily, though there were not a few instances of friction between the two departments. These, however, grew less as time went on, and it may safely be said that the procedure has come to stay.

Later, when the reduction of the Indian army resulted in many officers in the prime of life being thrown out of employment, Government opened the Jail Departments to a few “axed” officers. In the Punjab, four were given appointments as Superintendents of large District Jails. Their trustworthiness and military sense of discipline, their knowledge of the language and customs of Indians made them excellent Superintendents, and the Jail Departments profited considerably by their inclusion.

The introduction of Superintendents from the P.C.S. and Army, most of whose officers knew little about jails, necessitated courses of preliminary instruction. The candidate was attached for some months to a selected Central and District Jail, where he studied both theory and practice of jail administration under experienced Superintendents. He was thereafter posted to a small District Jail and remained “under probation” for a further period.

*Jailors.*—One of the strongest criticisms of the Jails Committee was that the Executive officials were overburdened with clerical duties, the upkeep of Registers, etc. So much so was this the case that the then jailors were quite unable to spend due time in the supervision of the prisoners, at their work, their meals and during their times of rest. This led to many abuses, one of which was the undue power given to the convict warders and work overseers. The Committee quite rightly considered that the jailor, and to a less extent the assistant jailors, should be essentially executive officers, “constantly on the move about the jail, seeing that the

prisoners are at work, mixing with them and studying their character, preventing irregularities and favouritism and supervising the running of the whole machinery of prison administration" (Para. 54). In particular the jailors should be relieved of responsibility for the maintenance of accounts and registers.

For these reasons the Committee recommended that the prison establishment should be divided into two branches, executive and clerical, which should be separately recruited. The clerical branch should consist of clerks, accountants and storekeepers.

These recommendations have been carried into effect in varying degrees in the different Presidencies and Provinces. In Bengal, jailors and clerks were on separate establishments by 1930. In Burma, jailors and clerks continued to be combined in one cadre, as jailors and assistant jailors. A class for probationers was instituted there in about 1928, and a 3-months' course of training given to all entrants. Some therefore have not yet effected the primary division into executive and clerical; others have had the whole scheme in full working order for some years. It was in about 1927 that the Punjab Government took up this matter in earnest and incorporated the recommendations in the whole problem of the reform of the prison personnel. It took up first the reform of the executive branch and replaced unsatisfactory or untrustworthy jailors by men transferred from the Tahsildar branch of the Provincial Civil Service. This did not effect much improvement: on the whole, those appointed proved little, if at all, more honest or intelligent, and their powers of maintaining discipline were inferior to the old jailor class. Government's next venture was much more successful: it called for recruits from families of good standing; the minimum educational standard was raised, and each individual's character and antecedents were carefully examined by a Board specially set up by Government. To attract such recruits the pay and prospects of the jailor cadre were much enhanced and their social standing was raised. As originally recommended by the Indian Jails Committee they were given gazetted rank and a position in the District Durbar; better quarters were built for their accommodation, and they were granted other amenities which added much to the popularity of the new cadre. There was no bar to their eventual promotion, by selection, to the post of Superintendent of a Central Jail. These new proposals, though expensive to Government, proved very popular: large numbers applied, and the Selection Board had a long and onerous

job. But the results have been, in the main, most satisfactory, and the Punjab could rightly claim by 1937 to have one of the best Executive Jail cadres in India.

A change which was much appreciated and which had a definite share in reform was the alteration of the nomenclature. The term "jailor" was abolished and was replaced by Deputy Superintendent and Assistant Superintendent. This new classification naturally led up to the coveted post of Superintendent.

The new Deputy and Assistant Superintendents were given a full course of instruction before they were posted to a jail and given full duty. The initial three months were spent at two of the most important Central Jails, under experienced I.M.S. Superintendents. Their training included not only every side of jail executive work, but instruction in the Jail Manual and the Indian Penal Code, jail industries, physical training and military drill. All entrants spent some time at the Lahore Borstal Institution where they learnt the principles of training young offenders and the ideals and methods of scouting. At the end of this course they had to qualify by examination in both practical work and theory. They were then posted to a jail for further practical training and remained under probation for a year.

*Clerical Staff.*—As soon as the new executive branch had been formed action was taken to inaugurate the clerical branch. This change had to be carried out more gradually. There were many of the old assistant jailor cadre who had had to be "axed" to make room for the new men: many of these were absorbed on the clerical side. Whereas the educational qualification for the new Deputy and Assistant Superintendents was a graduate degree or at least up to B.A. standard the minimum for the clerical side was the Matriculation examination. Applicants for the accounts side had also to show evidence of special accounts training or experience. The clerical branch (clerks, accountants and storekeepers) was at first limited to the Central Jails: later it was extended to all District Jails. The Subsidiary Jails were also provided with a clerk, but—as there were no industries—accountants and storekeepers were unnecessary.

By 1939 the reorganisation of the Punjab Jail Staffs, as far as the superior branches were concerned, was completed.

*Warders.*—During the same period much had been done to improve the warder cadre. This cadre had suffered as much as any by the war years 1914-1919, for all the best type of recruits had

volunteered for the army. To those that remained the Police Dept. offered a much more attractive employment. The Jail Departments could therefore obtain, during the war years, only the leavings of the army and police. When, however, the war ended and demobilisation occurred hundreds of ex-military and reservists sought some other form of Government service and many were taken on as jail warders. This raised considerably the standard of the warder cadre. Promotion within the cadre was made dependent, among other things, on literacy, and arrangements were made to educate those warders who desired to improve themselves. Also,—realising the importance of integrity in the post of prison Gatekeeper—special appointments to this post were made from the ranks of ex-Indian officers. These were accorded higher pay and better quarters and were also used to improve the drill and smartness of the warder establishment. The measure has proved a great success.

The reform of the warder establishment is still going on. Efforts are being made to reduce their hours of work, to improve their rates of pay and their quarters, to provide a reserve for leave and sickness and, as far as possible, to abolish the entertainment of temporary warders who had always been found to be unsatisfactory.

The above account refers mainly to the Punjab, but other Provinces have made similar efforts to improve their staffs. This has been carried out in greater or less degree, but it is impossible to give details of all. It may be said generally, however, that all the Jail Departments have given close consideration to the recommendations of the Committee's report and have carried them out as far as financial considerations have permitted.

## CLASSIFICATION AND SEPARATION

THE Jails Committee, in their general propositions, enumerated certain essentials of prison administration. Referring to these their report stated;—“It is further essential to provide that prisoners in jail shall be so classified and separated that the younger or less experienced shall not be contaminated and rendered worse by communication and association with the older or more hardened offender. We are satisfied as to the evil influence which can be exercised in a prison by the habitual or professional criminal, and we regard the adoption of proper methods of classification and the provision of adequate means of separation as the third essential factor in sound prison administration.” The report then went on to discuss in detail the definition of a “habitual” prisoner and the separation of such prisoners from “casual” or first-offenders. Much less detailed attention was paid to other forms of classification and separation.

It is true that, after the primary division of female from male prisoners, the most important factor under this head is the separation of casuals from habituals. But in the years that followed the issue of the Report interest was centred much more on the classification of so-called “political” prisoners; their treatment and their separation from all other types. For the moment, however, we may keep to the main theme of the Report.

The principle of segregating the worse types of prisoners from first-offenders had been recognised in India for over 30 years, but the Committee found that in many jails such segregation was in practice very defective, largely owing to overcrowding. They came to the conclusion that the only effective way of remedying this defect was to confine the habitual prisoners in separate jails, and that this measure was “one of the most important reforms yet to be introduced into Indian prison management”. A commencement had already been made in the Madras Presidency, where the completely cellular jail at Salem had been allotted for habituals only. But in almost all other Provinces segregation was being only partially effected intra-murally by locating the habituals in one section and the casuals in another. The Committee’s recom-

mendation was taken up by all jail administrations, and it was found easiest and most economical to designate one or more existing jails in each Province as a Habitual jail. Financial stringency in most Provinces negatived the erection of new jails, but it was possible in most to build extra cellular accommodation and so to comply more or less with the recommendations of the Report. In this way the Rangoon Central Jail was reserved for casual offenders while the nearby Insein Jail was used solely for habituals. This change was completed by 1922. Similarly in Calcutta the Presidency Jail became the Habitual jail, while the Alipore Jail held the casuals. All the other jails of the Bengal Presidency received both types, but habituals were removed from the District Jails as much and as soon as possible.

In the Punjab it was found possible to allot a sum of over 33 lakhs for a completely new jail at Multan. This Central Jail for habituals embodied practically all the recommendations of the Committee, both as regards general jail design and also the special measures for habituals. Two other large jails were also set aside for habituals, and accommodation thereby provided for about 3,500 prisoners of this type;—an accommodation not too generous for the actual number of habitual prisoners in the Province. In order that casual convict officials should not have to come in contact with these hardened offenders, sanction was accorded for a large increase in the warder establishment and the rank of convict warder was abolished for habituals. Habitual prisoners were allowed promotion to convict night-watchman for duty within the barracks or enclosures, as it was considered inadvisable to have either free warders or casual prisoners within barracks at night.

At first, habituals were also not allowed to become convict work overseers, but this was subsequently allowed in special cases.

As most habituals have long sentences the industries selected for their jails were mainly those which required a longer period of training, *e.g.* textiles, blanket-making, carpet-making, carpentry and blacksmithy, etc. But each jail also had a large garden, in which agriculturalist prisoners could be used to produce vegetables and crops for the jail dietary.

Very few of the Provinces had enough female prisoners to warrant a special jail for female habituals. Some Provinces still have no separate jail for females at all; but all have special enclosures in District Jails set apart for women.

The Punjab has a Female Jail at Lahore in which separate sections are provided for habituals and for adolescents (each category numbering not more than 30 or so). This procedure has been found to be free from objection on the all-important problem of contamination.

In actual practice, the locality where contamination was, and (I fear) still is most common is the enclosure for prisoners under trial. Experienced jail staffs are often able to "spot" old offenders when they are re-committed for trial, and the police sometimes warn the jail of the character of a special under-trial. But, in spite of this, it is a regrettable fact that bad characters often escape detection and are allowed to associate, sometimes for weeks, with first offenders. The only way to stop this defect is to increase enormously the provision of under-trials' accommodation and to make much of it cellular. The cost of this would be so large as to be quite prohibitive. Apart from this, the congestion of the under-trials' enclosures and resultant contamination could be much reduced if (a) the many commitments to prison on mere suspicion were lessened, and (b) the trials could be concluded more rapidly. The number of persons committed to Indian prisons who are eventually released without conviction is enormous (31,478 in the Punjab alone in 1938), and in many places the magistrates and judges are far too few to deal expeditiously with the cases that come before them. These obvious methods of dealing with a pressing problem of prison reform are, however, beyond the scope of the prison administrations.

Important as it is to segregate hardened offenders and depraved characters from ordinary casual offenders, it is almost equally important to separate the casuals into two groups, ordinary and star. This reformatory measure was recommended by the Committee, but as yet it has not been carried out to any extent in India. Practically no separation of star class from ordinary casuals has been effected in Bengal or Burma, and what has been done elsewhere relates almost entirely to first-offender adolescents. The Juvenile Jail at Bareilly is one instance of this: there for years casual young offenders have been given modified Borstal training, although no Borstal Act was passed until 1936. Similarly in Lahore there has existed since 1912 a Borstal Institution which differs from those in England in that it receives not only adolescents detained under the Borstal Act but also *all* lads between 16 and 21 years of age with convictions of over 4 months. Separation

by classes is effected within the Institution so that it is really a combination of a Borstal Institution and a Star Jail. The 1,000 adolescents in the latter receive Borstal training in the same way as the Borstal inmates and the results have been most encouraging.

After dealing with the above two classes the Committee's report goes on to speak of two other classes of Indian prisoners,—Civil Debtors and Simple imprisonment. The report points out that these classes correspond roughly to the English 1st and 2nd Divisions respectively. One great difference, however, is that whereas the 2nd Division prisoner is required to do work "of an industrial or manufacturing nature" persons sentenced to Simple imprisonment in India shall not be required to do any labour. They are permitted to work if they so desire, but in actual fact very few do so, and Indian jails thus have the problem of dealing with a total of over 9,000 prisoners who spend their period of confinement in complete idleness. In the Punjab there were over 5,000 admissions for Simple imprisonment in 1938. It is putting it mildly to say (as was stated in evidence before the Committee) that this does no moral or physical good to the prisoner; it is definitely harmful to him. The Committee, however, considered that Simple imprisonment without labour should be retained for use in certain special cases and therefore recommended that there should be two kinds of Simple imprisonment, namely (a) without liability to labour, and (b) with liability to light labour. With this recommendation the writer has consistently disagreed, and, in fact, it has never been introduced. All forms of imprisonment should carry liability to do some form of labour: the type of labour may safely be left to executive instructions and to the discretion of the Inspector-General and the Superintendent of the jail concerned, acting (if not a medical man) in consultation with the medical officer of the jail.

As regards Civil Debtors, the introduction of a Relief of Indebtedness Act in several Provinces, including the Punjab, has greatly reduced the number of such prisoners. In fact, it has been possible to close in most jails the special accommodation set apart for them. The same cannot unfortunately be said of Simple imprisonment. The large numbers of convictions to Simple imprisonment continue to be, with the short sentences of one month or less, which represent 19 per cent. of total admissions, a most regrettable feature of Indian penal administration and the two combined are real obstacles to prison reform.

Even in 1920, as pointed out in the Report, there was "a considerable body of opinion, especially among non-official witnesses, in favour of according special treatment in prison to persons of good social status".

There was already in the Bombay Presidency a jail rule whereby it was possible, under medical advice, to allow a prisoner special dietary, clothing or bedding as best suited to the needs of the case. Similarly any form of labour which appeared to be injuriously affecting a prisoner could be changed. The Committee considered that the provision of such a rule in all Provinces would suffice.

Similarly with regard to so-called political prisoners; the Committee was asked by many witnesses to provide a special division for all political offenders. The Committee, for cogent reasons which are fully stated in their report, could not agree with this recommendation. Nevertheless, as the years passed by, the agitation for special treatment of political prisoners grew; being strenuously fostered by the growing Congress Party. This eventually led to the provision of three main classes of prisoners, based on the character, status and mode of life of each accused and on the nature of the crime itself without taking into consideration the *motive* of the crime, whether political or not. This has already been referred to in Chapter II.

The provision of these new classes affected in no way the existing categories of Civil Debtors and Simple imprisonment.

## VI

## PRISON LABOUR AND MANUFACTURES

THE Indian Jails Committee devoted a great deal of time and thought to the matter of "hard labour". It is curious that, although approximately 90 per cent. of those confined in Indian jails are sentenced to "imprisonment with hard labour" the Government of India has never defined what is actually meant by the term. The Indian Penal Code, on which the provisions of the various Jail Manuals are based, attempts no definition of the phrase, but it has become clear in practice that it does not necessarily mean hard physical toil; it merely implies that every such prisoner must be made to work hard at whatever task he is given to do after full consideration has been given to his character, length of sentence, the state of his health, both physical and mental, and to his prior knowledge of any trade.

The Committee quite rightly insisted that the use of non-productive labour, which had never been employed to any extent in Indian jails, should not be revived: it also stressed the principle that the prisoner should not be exploited for pure Government profit. They concluded that the true object in the selection of prison labour must be "the prevention of further crime by the reformation of the criminal".

The forms of labour to be selected in each individual case would depend largely on the length of his sentence, for it was clear that it would be useless to put the large mass of short-term prisoners on trades which necessitated long training. For this class of prisoner the only possible employment would be unskilled labour and agriculture.

For long-term prisoners, on the other hand, it had been laid down by the Government of India as far back as 1886 that the principal form of employment must be intramural, and with this policy the Committee fully agreed.

This meant no change in the existing procedure, for the principle was almost universally in force. What the Committee did criticise was the old-fashioned character of the industries mostly employed in Indian jails. The types of work selected were satisfactory, but the implements given to the prisoners to use were out of date, slow and inefficient.

The Committee considered that "the greater benefit to the prisoner would be conferred by giving him the best available instruction in up-to-date methods of labour and so enabling him to command a living wage on his release from prison."

There was a certain amount of ill-informed criticism that the use of modern implements and high-powered machinery in jails would compete unfairly with private enterprise, but the members of the Committee were unable to support this at that time, and similar complaints, made from time to time since then, have been shown to be equally fallacious. In 1925, for instance, the Madras Chamber of Commerce complained of the competition of the 150 looms at the Coimbatore Central Jail, but it was shown that only 2½ per cent. of the textiles made there were sold to private persons, all the rest being taken by Government or the Army.

The Committee's conclusions on this subject were that no objection by interested classes should stand in the way of training prisoners on high-power machinery. But—jail industries must be so conducted as to do the least possible injury to private enterprise. When all is said and done, prison labour remains inefficient as compared with free labour and the total number of prisoners available for manufactures spread over all India is not sufficient to have any appreciable effect on the mass of industrial employment in the country. Among other points the Committee condemned any employment for prolonged periods on deadening and un-educative forms of labour; disapproved of the use of prisoners extra-murally on public works, except under very special conditions, but considered their employment on the construction of jail buildings as quite suitable.

To what extent have the various recommendations of the Committee been carried out?

As regards the installation of high-power machinery, there have been difficulties which were not visualised by the members. In the first place, the great cost of building factory buildings and installing the requisite plant was beyond the financial powers of several Provinces during years of much depression; secondly, high-power machinery meant that the same amount of work could be done by far fewer prisoners, and therefore either other work must be found for those no longer required or the outturn would be far greater; lastly, markets had to be found for the products. Had the jail population shown any decrease these problems would have been easier to face, but the contrary occurred in

the years that followed the Report. In all Provinces the jail populations increased and in some the increase was made up mainly of political agitators whose minds were bent on obstructing the jail administrations, who refused to do good work or to be taught. In an overcrowded jail, filled up with non-co-operating prisoners whose sentences were mainly short, there was no alternative but to dole out some form of unskilled labour such as cotton-spinning and making twine out of coconut, sisal or "Ban" fibre.

All Provinces tackled the question of securing orders from Government Departments and met with varying success. The procedure was never popular with the Departments concerned, and constant pressure had to be exerted to keep them up to the mark.

One of the old-fashioned factories criticised by the Committee was the printing press in the Lahore Central Jail. This was completely reorganised and new presses, equal to any in India, were installed. The Press was placed under the Government Printing Department which supervised the work with skilled technicians and provided all the orders.

The jail supplied the labour, for which the Department paid. A subsidiary printing factory, consisting of simpler machinery, was retained in the near-by Borstal Institution, and proved a very useful form of training for the adolescents, many of whom were—on release—employed by the Government Printing Department at a good wage. Similar high-power presses were installed at the Alipore and Rangoon Jails. Among other high-power factories may be mentioned the blanket factories at Dacca and Bhagalpur and the boot factory at Insein.

The experience of jails using high-power machinery in their factories showed that, if they were to keep the factory going fully, they must secure orders outside the Province as well as within it and the possibility of this was strictly limited.

When therefore the new Central Jail at Multan was built it was decided to do without h.p. machinery and to be content with looms of the Hattersley pedal loom type. These turned out excellent textiles and gave more prisoners steady employment. More, it trained them in an industry which they could, if they liked, continue when they returned to their villages.

This latter is an important point. At a jail like Coimbatore, surrounded as it is by many commercial spinning and weaving mills, prisoners trained on high-power machinery could easily secure

employment on release. But nearly all prisoners prefer to return to their own district, and it is therefore even more valuable to them that they should receive training, while in jail, in a simpler industry at which they could continue to work in their village.

The Punjab therefore decided against high-power machinery and concentrated more on "cottage industries" of a type which could cater for Government Departments (thus not competing with the village artisans) but which would interest and train the prisoners for a future honest form of livelihood.

The result was certainly a financial success;—the Ludhiana Jail became almost self-supporting with its textile factories—there is good reason to think that the procedure was also very beneficial to the released prisoners.<sup>1</sup>

Very little extra-mural work has been done by prisoners during recent years. Burma—on the recommendation of Lieut. Col. P. K. Tarapore, the Inspector-General of Prisons—put some hundreds of long-term prisoners on quarry work in permanent camps, and this was quite successful.

The Nasik Road Central Jail in the Bombay Presidency was built by prisoners under P.W.D. supervision, and other large jail works have similarly been carried out by prison labour. The Punjab's three new jails and the large extensions to the Borstal

<sup>1</sup> In this connection the following comment by the Punjab Government on the Punjab Jails Administration Report for 1938 is of interest:—

As a result of the special attention devoted during the last few years to the industrial side of the jail administration—the outturn of the workshops is steadily improving, both in quality and quantity. In congratulating the Jail department on the results obtained in this direction, Government wish to make it clear that the efficiency of the jail workshops ought not to be judged exclusively, or indeed mainly, on the volume and financial value of their output. The criticism is sometimes made that with better management every prison could be made to pay for itself, the suggestion being that Government should develop the jails on the lines of commercial factories, with power-driven machinery. Such criticism fails to take account of the fact that the making of profits is not the only, or even the primary, object of those in charge of jail factories. The need of finding work which will provide suitable exercise for body and mind, and the desirability of training the prisoners in trades that may be of use to them on release, are considerations at least as important. Moreover, if the department is sometimes condemned for failing to develop the jails as industrial factories, it has on other occasions to face the attack of another set of critics, who maintain that jail products ought not to be put on the market in competition with those of the commercial manufacturer, employing free labour. This is an argument which is certain to be pressed more and more strongly as trade combinations grow in influence. The prison authorities are accordingly devoting special attention to the development of industries which cater for the needs of the various Government departments—the domestic market in which it is universally recognised, even in western countries, that jail-made goods can be used without objection.

Institution, and the N.W.F.P. new Central Jail at Haripur were built without prison labour, mainly owing to the necessity for rapid execution of the works. But throughout India many intra-mural jail buildings were erected by the prisoners themselves under expert direction.

The older forms of hard, uneducative labour, have been largely abolished or are now kept only as a deterrent or punishment. Certain jail services, such as grain grinding and oil pressing have still to be done, but prisoners are not, normally, kept on these for long at a time. It is useful to have them available, and the knowledge that they are there deters many a prisoner from misbehaving.

## VII

### REFORMATORY INFLUENCES IN JAIL

IT has come to be realised more and more clearly that a policy of deterrence and retribution towards prisoners in jail is of little value either to the prisoner himself or to the State. Such a policy sends a prisoner out of jail, at the termination of his sentence, embittered and more anti-social than ever before, and he is apt to resume his criminal acts with more concentration of purpose. On the other hand, a jail policy of humane and reformatory treatment, coupled though it is with strict discipline, results in a far higher percentage of released prisoners becoming law-abiding, industrious members of Society, and this is a gain not only to the individual but also to the State: for the latter is saved trouble and expense in further disciplinary measures against him and also profits from his labours.

For these and other reasons the administration of Indian prisons has concentrated much more in recent years on the reformation of criminals.

Reforms have been carried out under five main heads:—Physical, Educational, Moral, Industries and Labour, Punishments and Rewards.

#### PHYSICAL

“Mens sana in corpore sano” is an old proverb, but it is as true now as when it was written, and the importance of improving the physique of prisoners has been realised, especially by the Indian Medical Service officers of the Jail Departments, for many years. It is well known that in many instances some physical defect, such as deafness, eye trouble, a deformed limb and so on, has been the initial cause of an individual becoming anti-social and taking to crime. As long as such a defect lasts the person so affected will be liable to continue his criminal career. Therefore it was always the writer’s policy when a Jail Superintendent (as it has been of many other Superintendents) to pick out such cases during his ordinary inspections and, as far as possible, to remove the defect by operation or other suitable method. In all jails the physical improvement of the prisoners is a matter of continual care, as are

also measures for the prevention of disease and for the provision of good sanitation. Drill and physical exercises are compulsory for all in several Provinces,—subject, of course, to medical fitness.

Special attention is paid to the prevention of epidemic disease in jails, and the old nightmares of Cholera, Plague, etc., in jails are now a thing of the past. Similarly, effective and up-to-date measures are always being taken against such diseases as Malaria, Dysentery and Tuberculosis, with the result that their incidence in jails is far below that of the outside population.

### EDUCATION

There has been a considerable advance on the educational side in recent years. In a country like India, where literacy is only about 5 per cent., the aim in prisons can only be to impart simple primary education to as many as possible. This is being done to a small extent by the provision of paid teachers, but much more is being done by making use of the few literate prisoners as "pupil teachers".

Libraries and newspapers are now being provided for the already literate, and instruction is also given in First Aid and simple Hygiene and Sanitation. Home nursing and baby welfare are taught in female prisons.

Indoor and outdoor recreation after the day's task has been performed is being increasingly allowed for well-conducted prisoners.

Scouting is a great feature of all Borstal Institutions, Juvenile Jails, Reformatories and Certified Schools; while the younger women and girls are encouraged to become Girl Guides. It is remarkable how keen on Scouting the Indian lad becomes and how excellent an effect it has upon him.

### MORAL

Moral and religious instruction presents great difficulties in India. In some parts of India, where one type of religion is predominant, these difficulties may not be so marked, but they loom large in those parts of the country where the main religions are mixed and communal tension is ever-present. In the United Provinces, for instance, Hindu-Moslem clashes are always occurring, and in the Punjab the Sikh community adds to the trouble.

The danger of arousing strife between the various religious communities in jails led in the past to a regulation that *no* combined religious services or singing should be allowed in jails. To this an exception was allowed in the "European" wards (occupied mainly by British soldiers and Anglo-Indians) where Christian services are held. The Christians form so small a proportion of the prisoners that this concession has not led to animosity on the part of the others.

Latterly, however, Hindu and Moslem agitators have demanded that either the Christian services should be abolished or that their own community should be allowed the same concession.

In spite of these difficulties, a certain amount of religious instruction has been, and still is being, given to those of their own faith, by Honorary Religious Visitors selected by Government. Non-dogmatic moral instruction is also given—in varying degree in different Provinces—by the Jail Staffs. The Libraries also contain books of religious and moral instruction for the use of those who can read.

#### INDUSTRIES AND LABOUR

This has been dealt with in the previous Chapter, and it has been shown that labour is becoming less and less penal in character.

The aims of the Jail Departments nowadays are:—

1. To supply Jail needs;
2. To supply Government demands;
3. To provide the prisoners with training in industries useful to them after release.

With these objects in view, prisoners are taught to do carpentry, blacksmithy, tinning, painting, wool and cotton spinning and weaving, blanket-making, tailoring, brick-making and laying, masonry and building work and the like. The great majority of the prisoners being agriculturalists, nearly all jails have large gardens and farms, on which the prisoners produce all the vegetables and a great deal of the cereals required for their diet. In this way they receive training in up-to-date agricultural methods and tools, and in the use of the right kind of seeds and crops. Similarly, many jails possess large dairies as well as many draught cattle. These provide milk for the dietary and training in animal husbandry for those prisoners engaged on this work.

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## PUNISHMENTS AND REWARDS

There can be no doubt that both of these, judiciously used, have a reformatory effect on the prisoner, and the Committee had a great deal to say on both subjects. The possibility of punishment is a reminder that misbehaviour, laziness or wilful disobedience may have unpleasant consequences, and this in itself often keeps prisoners in the right path. On the other hand, rewards are incentives to good conduct and the performance of the full allotted task, and thereby train a prisoner in habits of industry which (as the Committee pointed out) send a man out of jail markedly fitter for free life than he was when he came in.

The Committee had, however, a number of criticisms to make as to the types and mode of employ of the existing forms of punishments. Though admitting that corporal punishment had shown a great decrease,—having gone down in number from 13,301 in 1875 to an average of 293 in the quinquennium ending 1918—they thought that still further reduction could, and should, be attained and that flogging should be restricted to the gravest classes of offences.

The old days have certainly gone, when one Central Jail alone recorded a total of 600 floggings in the year and in another where the Superintendent had the whipping triangle carried behind him at his weekly jail inspection!

It is satisfactory to note that in the past 20 years the "further reduction" recommended has been effected generally throughout India. The Punjab showed a steady and continued reduction during the years 1927 to 1938,—from 85 to 8,—, and this in spite of the fact that there was no reduction in the number of recidivist prisoners and bad, violent, characters. In 1938 there were 3,266 habitual convicts admitted, while the total number of those in jail under trial for, or convicted for, murder or attempted murder on one day amounted to no less than 3,861! In such circumstances the small number of corporal punishments which it was found necessary to give is most satisfactory and reflects much credit on the administration of the jails.

In the matter of mechanical restraints (hand-cuffs, fetters and belchairs) much improvement has been shown. The recommendations of the Committee as to the mode of employ of these have been accepted and carried out. Formerly it was the common

practive for light link fetters to be placed on all prisoners working outside the prison wall. Nowadays this is the exception and much more reliance, in obviating escapes, is placed on the proper selection of prisoners for outside work. Fetters for safe custody within jails are imposed only rarely in most Provinces, reliance being placed, in this case, on the alertness of the warder staff.

Solitary confinement has been abolished as a jail punishment, though it still has to be given as part of the legal punishment when so ordered. Separate confinement is, in fact, the only jail punishment of this category, and it is limited to a maximum of three months.

The form of punishment most favoured is forfeiture of the Remission which every prisoner so covets.

As regards rewards, Remission is still the one most generally given. It is interesting to recall that one witness before the Jails Committee, and described by them as "an unsparing critic of the Indian prison administration", declared that the Indian Remission system was the most perfect in the world. That may be so; it is, in any case, much appreciated by the prisoners, and it is one of the greatest incentives to good conduct and good work. The minor improvements recommended by the Committee have all been adopted, including its extension to prisoners with sentences of six months. Formerly the lower limit was one year.

The recommendation to grant gratuities has not yet been carried out to any extent, and the success of the measure, when adopted, has been rather doubtful. The Madras Presidency followed the Committee's proposals most closely in that gratuities were granted only for work done over and above the full jail task. In the Punjab it was decided to give gratuities on the Pecule system and in the hope that the grant of a gratuity, with the permission to purchase with it small luxuries such as tobacco and Gur, would produce two good results, (a) the performance of the full task ordered, and (b) the reduction of illicit importation of contraband. Every prisoner whose conduct was good and who did his full allotted task was entitled to receive monthly the sum of R. 1/4/-, of which half (10 annas) was placed to his credit for use on his release and the other half could be spent in purchasing tobacco, etc.

This Pecule system was tried in selected jails in the Province over a period of some years and then abolished. It was found that it failed to reduce in any way the smuggling in of contraband; in

fact, the desire of prisoners for cigarettes grew with the habit rendered possible by the Pecule system: it failed to reduce offences against work; and as it provided no stimulus for work over and above the jail task prisoners saw no reason to exert themselves. From the point of view of the jail staffs, the increase in work was colossal, and the additional staff which Government was induced to provide was quite inadequate to deal honestly and fairly with the system. Its demise was not regretted, even by the prisoners, for the gur which they used to get through their Pecule gratuity was henceforth granted free, on medical grounds, in the dietary; and, as regards the bonus for issue on release,—“Well, that’s a long time ahead, so why worry?”

On the same principle of granting minor luxuries as a reward for good work and conduct the Government of Burma instituted the provision of cheroots at the Insein Habitual Jail. But this too did not produce any outstanding result.

In English prisons the gratuity system has proved a success and has undoubtedly come to stay. But English prisons have not the numbers to deal with; the prisoners are of a standard far different from the mass of Indian prisoners, and the prisons have a comparatively larger and better educated staff. It may be possible in the future to devise a gratuity system suitable for Indian prisons, but for the time being there are matters of more immediate moment to tackle.

Other rewards referred to by the Committee were letters and interviews. The permission to have special letters soon after admission, for the purpose of appeals and settling private affairs, is being freely granted, at the discretion of the Superintendent, but general permission to write letters more frequently has not been found possible owing to the extra work involved. This concession was, however, granted to the new Classes A and B when they were brought into force. The same applies to interviews. One criticism by the Committee was that the arrangements for interviews were unsatisfactory at many jails and it recommended a special Interview Room, for which they prepared a new design. Such interview rooms were therefore erected in many jails including those of the Punjab. Of all the recommendations of the Committee I think none proved so unpopular among the prisoners as these new interview rooms. What most prisoners still prefer is to squat on one side of a wire netting and to have half a dozen relatives talking animatedly on the other. As for the educated non-co-operators

or political prisoners, they mostly considered the new design of cage an insult!

One of the best rewards, and best incentive to good work, was—and still is—the interest and encouragement shown by jail officers in them and their work. And in this respect the provision of whole-time Superintendents and the improvement in jail staffs has been most beneficial. When Indian prisoners can feel that they are no longer mere numbers, but individuals each of whom is known personally to his officers, conduct and work will reach a higher standard and real reform will come into its own. When that will be depends not so much on the jails themselves and their staffs as on life and conditions outside. For such individualisation is impossible in jails unless and until the population of jails goes down. When this will occur no man can tell. It depends on social, economic, communal, educational and political factors which are quite outside the purview of jail administration.

## VIII

### AID TO PRISONERS ON RELEASE

BEFORE the beginning of the twentieth century very little was done in India to help released prisoners to start a new and honest life. As the 1919-20 report pointed out, the Indian Jail Conference of 1877 was not in favour of creating discharged prisoners' aid societies and considered that—even if they were started—"there was not the least prospect that anything would be done in this direction by voluntary effort."

Here and there, however, local philanthropists did start small societies in connection with their local jail and thus laid a foundation for more organised work.

It was in 1907 that the first D.P.A.S. on English lines was formed. This was at Calcutta. The Society dealt with the prisoners released from the jails in Calcutta, but very little effort was made to extend its activities to the rest of the Presidency, and the general public has taken little interest.

Seven years later, in 1914, the Bombay Presidency started a society for its prisoners.

A further seven years elapsed, at the close of which the 1919-20 Committee published its Report, and then the Madras Presidency set to work to form a really efficient society with its headquarters and a Home at Madras and branches connected with all its Central and District Jails.

The guiding spirit of this movement was the then Inspector-General of Prisons, Lt.-Col. Cameron, but he was whole-heartedly supported by successive Governors of the Madras Presidency and by the officers under their administration. The effect of this official support on the public was most favourable, and by 1925 there were flourishing branches in Vellore, Trichinopoly, Coimbatore, Salem, Madura and other districts. Considerable publicity was given in the Presidency newspapers and—for the benefit of the prisoners themselves—in the "Howard Journal", a news sheet printed in the jail at Coimbatore by prisoners for distribution to all Madras jails.

On my transfer, in 1925, to the Central Provinces as Inspector-General, I found there only one small society, connected with a District Jail of about 150 prisoners. But it soon became clear that

there were many non-officials who were only awaiting a sign of official approval before showing their interest in, and giving active support to, after-care work. A Central Society was soon formed at Nagpur, the capital of the Province, and within a year there were branches connected with every jail. Three instances may be given to show how the societies worked:—

1. A young lad at the age of 20, newly married and returning to his house in the evening, found a man with his wife. Suddenly enraged he attacked the intruder with a spade and killed him. For this offence he was transported to the Andaman Islands where he spent 12 years of exemplary conduct. In this year of 1925 he was repatriated and came before the recently formed Advisory Board for consideration for release. Government having consented to release him, his case was placed before the D.P.A.S. Committee, one member of which agreed to take him into his motor garage and train him. Within a year this young man had been entrusted with a Government mail motor van and when last heard of was chauffeur to an Indian Government official.

2. On one occasion when visiting a small District Jail I found in it a boy aged only 8 years. Enquiry elicited the fact that his only relation in the world was an old grandfather who in a fit of irritation had turned him out of the house. The boy becoming hungry, and seeing sweetmeats on a barrow in the bazaar, stole some and was caught. For this petty theft, he was sent to the jail where he had already been several weeks awaiting trial, no bail being available. As it happened I was giving a lantern lecture on the subject of the D.P.A.S. that evening in the local town hall and I took the boy with me (under a strong warder guard!). Placing him on a table in front of the lighted screen, I told his story and asked if there was any gentleman there who would be willing to take charge of this boy should Government agree. Immediately there were several offers and within a week or two the boy was happily housed in the residence of a retired municipal officer.

3. The following case is interesting in showing that the work of after-care of prisoners, if properly carried out, extends far beyond the confines of a single prison or district. A British soldier, fed-up with military life at Jubbulpore,—committed a burglary in order to secure his dismissal from the army and return to England. Before the completion of the resultant conviction to 9 months imprisonment his relations had informed him that they would have nothing further to do with him. The Jubbulpore Branch of

the D.P.A.S. then took up his case; they arranged for his reception at Bombay by the Bombay Prisoners' Aid Society, who saw him safely on to a steamer homeward bound. Meanwhile his case had been fully reported to the Central D.P.A.S. in London to whom he was given a letter of introduction. The latter took charge of him and after a few weeks secured a job for him as a porter in a London hotel. The cost of his board and lodging in London while waiting for a job was subsequently paid by the Jubbulpore Branch.

In the Punjab, to which I was transferred in October, 1927, there was no organisation whatever for the after-care of released prisoners, though a separate department had been established to look after criminal tribes. But the public were interested in the question, and the visit of a lady representative of the Howard League that cold weather accentuated the interest. As a result of several meetings and discussions it was decided to try to combine the ideals of the Howard League with those of the D.P.A.S. The Punjab Prisoners' Aid Society thus accepted responsibility for the welfare not only of released prisoners but also of those under trial and convicted—as far as was possible without infringing on the duties of the prison staffs. As soon as the Central Society at Lahore had been successfully inaugurated steps were taken to start branches in the districts, and in the course of the next five years branches were formed in connection with every one of the 34 provincial jails. Some of the districts concerned were so large that sub-branches were started in the several Tahsils to look after the welfare of discharged prisoners in their area. For some years all this work was unofficial in character. There were of course many officials, both British and Indian, who joined the Society; but these did so in their private capacity, and the Punjab Government refrained from financial support.

This definitely slowed down its progress, for many Indians were afraid openly to support a measure, however philanthropic, without the assurance that it had Government support. In spite of this the membership, funds and activities of the society continued to increase until it rivalled any other such society in India. The Governor of the Province then gave his official approval to the society by becoming its President, and the Provincial Government eventually agreed to give the society an annual grant. For a time, the society employed a paid agent but this proved too great a strain on the young society's slender resources and was,

temporarily, given up. From its commencement all non-official visitors of prisoners were strongly pressed to become members and their attention, as well as the attention of those who appointed them, was drawn to the recommendation of the 1919-20 Committee,—namely, that their selection should in part depend on "their ability to give assistance in the task of finding work for discharged prisoners".

An Indian Province is divided into districts, and each district into a number of Tahsils. As the scope of the Punjab Prisoners' Aid Society enlarged it was considered advisable to decentralise the work on this basis. The headquarters of the society remained at Lahore; District Branches were already in existence in connection with all District Jails; sub-branches were now formed in connection with the Tahsils. Most of these had no jail in their area: the main activities of the members were (*a*) to look after the welfare of released prisoners who either returned to their homes in the Tahsil or decided to settle in it after release, and (*b*) to stimulate interest in the aims of the society among the inhabitants of the Tahsil.

The Central Society, or the District branch, would notify the sub-branch concerned of the arrival in its area of any released prisoners who needed help; the sub-branch would take action accordingly, and reports on each case would be sent by it to the Secretary of the District Branch for inclusion in the records.

On the financial side a similar arrangement was found to work well. The donations and subscriptions of Life Members went to the Central Society, but annual subscriptions to the member's own district or Tahsil. Of these latter, a proportion (10 to 40 per cent.) was remitted to the Central Society for its general expenditure, and from the funds so raised the Central Committee was enabled to finance special schemes, provide the salary of an Agent, and possibly help a few Punjab prisoners transferred to other Provinces. Should any district require capital for a scheme of its own, such as the erection of a Released Prisoners' Home or a Rest House for the accommodation of prisoners' relations (many of whom had come from far for their interviews), the quota of subscriptions could be remitted and further funds donated by the Central Committee.

## ALL-INDIA PRISONERS' AID SOCIETY

As time went on the thoughts of the keener supporters of after-care work turned to a further extension. They realised that the success of the Red Cross and St. John Ambulance work throughout India had been greatly aided by the fact that they had a Central organisation located with the Government of India, with His Excellency the Viceroy as President. In the same way (it was felt) the work of after-care of prisoners would receive a great fillip if an All-India Prisoners' Aid Society could be inaugurated with its Central Managing body at Delhi-Simla. This body would consist of members from all the Provincial Societies. The proposal was strongly supported by the Punjab and also by individual members of other societies, chief among whom might be mentioned Dewan Bahadur Govindaswamy Chetty Mudaliar, a Member of the Council of State and a prominent supporter and worker for many years of the Madras D.P.A.S.

The All-India Society was actually inaugurated and functioned for a few years, but lack of Provincial support (other than by the Punjab) caused it to close down. One reason was undoubtedly the increasing provincialisation of all forms of welfare work. The principle of the Government of India was to allow each Presidency or Province to work out for itself its own measures for dealing with social, economic and welfare reforms. It is still possible that, at some future date, the All-India Society will be revived, on the lines of the Central D.P.A.S. in England.

No note on the after-care of released prisoners in India would be complete without some reference to the sympathy and useful work carried out by the Salvation Army. Not only is the Army doing a great work to keep criminal tribes and the down-and-outs on the right path and so avoid prison; but its members have been the greatest assistance in helping released prisoners to keep straight. As a means to this end, the Salvation Army has organised Homes for released prisoners, such as the one in Rangoon and a similar one in Lahore: it has also consistently helped all Prisoners' Aid Societies wherever they might be. Prison and Penal reformers owe the Salvation Army a deep debt of gratitude.

## IX

### ALTERNATIVES TO IMPRISONMENT

THE title of this chapter would appear at first sight to have little to do with prison management and reform. But it is true to say, that one of the best ways to reform prisons is to keep prisoners out of them! The reduction of the numbers of persons sent to prison relieves the prison administration of the difficulties of overcrowding and enables the staff to devote more time to the individual prisoner. The subjects to be dealt with in this chapter therefore have (as pointed out by the Jail Committee's Report) "an important bearing on the efficiency and appropriateness of the existing systems of prison administration and restraint on liberty in India".

#### A. THE CHILD OFFENDER

The Jails Committee quite rightly pointed out (para. 363 of Report) that the ordinary healthy child criminal is mainly the product of unfavourable environment and that he is entitled to a fresh chance under better surroundings. Also, that as youth is the time when habits have not become fixed, the prospects of reformation are then most hopeful. From both points of view the child-offender should be given different treatment from the adult. It found India much behind the times in its treatment of these child-offenders. Whereas in England persons up to the age of 14 are regarded as children and those of 14 but under 16 as "young persons", in India the old Indian Penal Code regulation still held good, practically limiting childhood up to 12 years. For the I.P.C. lays down that nothing is an offence which is done by a child under 7 years of age, nor by a child above 7 but below twelve who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion. Even so, the Committee found repeatedly children in prison whose presence there could hardly be condoned by the I.P.C. rulings.

This was a very different state of affairs from either Great Britain or the U.S.A.; where the imprisonment of persons under 16 had, by 1919, practically ceased.

Only one administration (that of the Madras Presidency) had a

Children Act in 1920, though both Calcutta and Bombay had a place of Detention for children. A few experiments in Children's Courts had been made, but there were no Remand Homes and only Madras has started Certified Schools and a few Probation Officers.

Special Children's Courts were few and far between. Calcutta had one, but the cases were tried by any magistrate who happened to be on duty when the case was brought up. There was no guarantee that the same magistrate would continue a trial if it were held over to another day. The Committee pointed out that, in a large city like Calcutta where there were 1,638 child-offence cases in 1919, there should be a specially trained magistrate to try all child cases. (This has since been effected.) The Report showed that magistrates as a whole had taken the line of least thought and trouble and so had awarded short terms of imprisonment to children instead of thinking out alternatives. Make imprisonment illegal and magistrates would *have* to take other measures. The Committee finally stressed that, before passing final orders, magistrates should ascertain all relevant facts about the individual child; his history, environment, character or absence of parents, etc. This would mean remanding the child-offender to some place other than a prison. They also recommended that much more use should be made of Section 562 Cr. P.C.

It is regrettable that India, as a whole, has not acted upon these recommendations to any extent. In the large cities convictions of children under the Police and Traffic Acts continued to be frequent. These were usually for very short terms and were worse than useless. Lack of bail sent many others to prison. Typical instances which came under the writer's personal experience were (1) a boy of 8 years of age, sent to prison for stealing sweets off a street barrow when he had been turned out of home and was hungry; (2) two boys in the Narsinghpur Juvenile Jail, who had to be kept there "for want of a Reformatory School". One of these aged 14 was awarded transportation for life for causing the death of his 12-year-old wife by beating her: the other, also 14 years old, awarded transportation for life for pushing two other boys down a well; (3) a boy of 10, found in a Punjab District Jail for adults, where he had already spent 2 months pending appeal. Bail had been offered for the sum of Rs. 1,000,—an obviously impossible sum for the child of a poor artisan.

Prolonged representations by persons interested in penological reform, both officials and non-officials, have so far failed to induce most provincial Governments to realise the need and value of special treatment for child-offenders, though Bengal and the C.P. had passed Children Acts by 1930. For years these provincial Governments have consisted largely of Indian ministers who should naturally take a special interest in the welfare and proper upbringing of the children of their country. May those Provinces which as yet possess no Children Act soon realise the need of it and take immediate steps to have one in operation!

*Probation.*—The inertia and lack of vision which has been shown in India in regard to the treatment of child-offenders applies equally to the use of Probation as an alternative to imprisonment. In only a few Provinces has the use of Section 562 of the Criminal Procedure Code been expanded to deal with any but a few young offenders; in still fewer has a Probation Act been passed. Twenty years ago there was a general feeling that men of suitable character and attainments would not be forthcoming to take up appointments as Probation Officers. But there have been great changes in these years, and I have no doubt that good men could now be got. In the Punjab, the Prisoners' Aid Society has helped to train such men by appointing honorary Parole officers to care for ex-prisoners; from these quite a sufficient number could be enrolled to carry out probation work if the Punjab Government would pass a Probation Act. The Government of India has definitely left legislation on this subject to the discretion of the Provincial Governments, and the Punjab, so advanced in other ways, persists in considering that S. 562 Cr. P.C. is all that is required. Bengal has about 4 Probation Officers for children.

The Congress Governments, when they came into power in 1935, announced their intention of promulgating every kind of prison and penal reforms. But before these could be brought into full working order the Congress became involved in political activities of quite another kind, and the local Governments ruled by the Congress had to resign.

If probation fails, or is unavailable, what other measures can be adopted instead of imprisonment? There is whipping, but this is suitable and beneficial in only a small percentage of cases. The Committee stressed that such whippings should always be carried out in *Court*, never in an ordinary prison. This wise recommendation has not been taken to heart, and far too many boys are still

sent by the magistrates to the local jail to be whipped. In any case, it is no use ordering a lad to be whipped more than once. If the first lesson failed a repetition of the whipping will only harden him the more. For such a lad the best procedure is to send him to a special institution.

*Reformatories.*—As far as India is concerned, a special institution meant a Reformatory until Madras broke away by starting Certified Schools under the Children Act. In 1919 there were six Reformatories in the whole of India, so it is not surprising that they were too large and too crowded to be manageable. Also nearly all of them were in discarded jails or other unsuitable buildings. These were administered, not by the Jail Departments but by the Education Departments under the Reformatory Schools Act of 1897. They catered for boys up to and including 14 years of age, convicted for certain defined offences. Many children, convicted of offences other than those so defined, had to be sent elsewhere. This meant a section of an ordinary jail unless there happened to be a Juvenile Jail, as in the U.P. and C.P., or arrangements could be made to include them in a Borstal Institution.

The existing Acts in India are still ineffective in some ways; the Reformatory Act, as stated above, caters for only certain categories of boys and then only up to and including the age of 14: Borstal Acts cater for lads of from 16 to 21; but no Act caters for lads of 15 unless there is a Children Act in existence.

The Borstal Institution at Lahore has therefore had to arrange special enclosures for (a) boys of 14 and under who are ineligible for the Delhi Reformatory, and (b) for boys aged 15, as well as for all adolescents of 16-21. From this it is clear that there is a definite need for the Certified Schools which form part of the machinery of Children Acts.

#### B. THE ADOLESCENT CRIMINAL

Prior to 1919-20 steps had already been taken in India to cater for this class of offender. Juvenile Jails existed in the Presidencies of Madras, Bombay and Bengal and in the Provinces of Burma, Bihar and Orissa, the United and Central Provinces and the Punjab. The latter's catered also for the adolescents of the N.W. Frontier Province and Delhi. All of these were working on Borstal lines and some, such as Tanjore in Madras, Dharwar in Bombay and Lahore in Punjab had definitely become Borstal Institutions.

The English system of keeping adolescents of the real Borstal type in institutions quite separate from other adolescents is of course more ideal; but India is, for one thing, a much poorer country and has to do the best it can with the funds that can be spared. It costs much less to have a larger institution under one management and to separate within it the two main classes of adolescents. For this reason an institution such as that at Lahore has grown up. This has accommodation for 1,000 adolescents of the Juvenile Jail type, often young first-offenders convicted of violent crimes up to murder, and for 600 Borstal-type offenders. There is also an enclosure for boys under 16. All these are given Borstal training. Actually there are not more than 180 Borstal inmates.

Bengal started a Borstal Institution about 1930, and Burma in 1932.

In the U.P. the Bareilly Juvenile Jail has done excellent work of a similar kind for the past 30 years. When, however, the Congress Ministry came into power in 1935 its energetic Premier, Mr. Pant, at once decided to have a Borstal Act passed and to take measures to have a separate Borstal Institution.

All Borstal Institutions have remained—as recommended by the Jails Committee—under the administration of the Inspectors-General of Prisons. The staffs of the Borstal Institutions are specially selected and trained: they are liable to be transferred to ordinary jails but are usually not so transferred if they continue to do well. All the main recommendations of the Committee's Report were accepted and put into force as far as was possible. An important one was release on licence. In the Punjab this was entrusted to a special Department of Government, and the adolescents were allowed out to Government farms and Press, to established firms and reputable private persons. When their time for total release came their welfare was looked after either by the Provincial Prisoners' Aid Society or (in some Provinces) by a special Borstal After-care Association.

It would take too much space to record the many ways in which the training of adolescents in Juvenile Jails and Borstal Institutions has advanced in recent years. Team games have always been encouraged and matches have been played "away" with schools, colleges and regiments. Not only have the actual teams been allowed out; they have been accompanied by the higher Grades of inmates as their supporters. At Tanjore it was a usual sight to see a couple of hundred lads marching some two or three miles to the

playing field of their opponents in the charge of one teacher. In Lahore the Borstal basket-ball team in six successive years won the Provincial Championship in the Punjab Open Tournament. Not only that; three of the team were selected to represent the Punjab in the All-India Basket-ball Championship in the Olympic Games at Calcutta in 1938. In the same Olympic Games one of the Lahore Borstal adolescents represented the Punjab in Feather Weight Wrestling and succeeded in winning the All-India Olympic Championship.

For a number of years now 80-100 Boy Scouts from the Juvenile Jail section of the Lahore Borstal have been permitted to join the annual Scout Camp in the Himalayan foothills for a fortnight's training. On no single occasion have any of these Scouts (many of them with several years of their sentences still to run) abused the privilege so given to them. On the contrary, they have with great regularity earned the distinction of being the cleanest and neatest on parade and in their tents. A story will illustrate how imbued with Scout ideals these lads become:—One day they were engaged in an exercise on the hillsides and a lad suddenly saw at his feet a wallet. Picking it up he found it contained notes to the value of Rs. 100 but no name of ownership. Looking around he found himself out of sight of any of his fellow Scouts. He therefore placed the wallet in his pocket and completed the exercise, after which he reported his find and handed over the wallet to his Patrol-leader. The Assistant Commissioner of Boy Scouts (Mr. Hogg, whose murder recently by the dacoits who held up the Simla rail-motor has caused such a great loss to Scouting in India) was at the Camp and heard of the incident. Calling for the lad he asked him, "Why, as you were quite alone, did you not hide this large sum of money?" The lad's answer was one of hurt surprise and summarised in a few words the result of his training, "But, Sahib, I am a Boy Scout!"

For some years the Punjab adolescents released on licence have been allowed to go on leave to their homes for an annual holiday. This has been much appreciated, and I have heard of no instance of failure to return or even of overstaying their leave. More recently, *i.e.* in October, 1939, the U.P. Government started the experiment of allowing selected adolescents of the Bareilly Juvenile Jail to go on "Home leave" for a few days each year. In the first year 20 deserving inmates were given such leave. Again with the same result as was seen in the Punjab.

## FINES

The Committee pointed out that there were many sections of the Indian Penal Code under which imprisonment *had* to be awarded when a conviction occurred. These, they considered, should be so amended as to give discretion to the Court to award a fine or some other form of punishment.

Very little action has been taken on this recommendation. The I.P.C. remains as rigid as ever. Judicial authorities seem to be afraid to amend it in any way. (As a further instance of this, it may be noted that although transportation can no longer be enforced it *must* still be awarded for certain offences!) Consequently that bane of prison administration and reform, the short sentence, continues, perforce, to be awarded.

Para. 444 of the Report is strongly worded; it recommended that sentences of imprisonment for less than 28 days should be entirely prohibited. One cannot but agree with this, seeing that the oft-repeated instructions of Provincial Governments to their magistrates to reduce short sentences have met with so little response in the past 20 years. As long as magistrates are given "discretion" in the matter they will, I fear, continue to send minor offenders to jail for periods of a month or less. Fines should to a large extent replace such short terms. If the offender is a young person the parents should be made to pay the fine; if he is an adult without means to pay, he should be given forced labour for such period as will earn the fine.

It is a confession of weakness, for instance, to award a fine of Rs. 5 or five days imprisonment for travelling without a railway ticket. Hundreds are doing this daily, "breaking their journey" at Government expense for 5 days when caught.

On the other hand, several Governments have amended the provisions of the Criminal Procedure Code regarding the levy of fine and have granted time for payment or its payment by instalments. These amendments have greatly reduced the amount of imprisonment undergone for failure to pay fines.

## MEASURES TO SHORTEN IMPRISONMENT

THE detention of so many thousands of prisoners in Indian Jails is obviously an economic loss to Government, for large sums have to be voted yearly for the upkeep of prisons: it is also an economic loss to the State, for the State loses the productive powers of the prisoners. If therefore it is possible to effect some reduction in the average jail population both Government and State will benefit. There is also the point of view of the prisoners themselves, for a long term of imprisonment cannot but have an ill effect on them.

There are many men who, in the flush of young blood and the heat of anger, commit crimes of violence which they are most unlikely to repeat after the sobering effects of some years in prison. Such men might safely be allowed once more to rejoin the general community.

Finally, there is the undoubted fact that it is very difficult for a judge, at the time of sentence, to assess the date when an accused person could safely be released.

For these and other reasons the Jails Committee advocated the adoption of some form of indeterminate sentence. The U.S.A. and Gt. Britain had for some years been considering the advisability of introducing this; it had not then been brought fully into effect, but the Preventive Detention at Camp Hill and the release on licence for Borstal inmates were on these lines. The Committee had noted with approval the small beginnings in India:—the Thana Jail experiment in the Bombay Presidency, the sanction at the Borstal Institution of Lahore for selected inmates to live and work outside, and the creation, in the Irrawaddy Delta of Burma, of a farm colony where selected prisoners (released on parole) might live with their families and work. (The last proved to be a complete failure.)

After taking all factors into consideration, the Committee recommended the institution of Revising Boards which would bring under periodical review all long sentences of imprisonment.

Such Revising Boards were adopted gradually in nearly all Provinces and have proved very valuable. The sentence of every long-term prisoner is thus reviewed as soon as the prisoner has

served half his sentence in the case of the non-habitual and two-thirds of the sentence in the case of the habitual,—remission earned being counted in each case. No case, however, is so considered until the prisoner has completed  $2\frac{1}{2}$  years of his sentence.

The Revising Boards submit their recommendations to Government which, if it accepts the recommendation, orders the prisoner's release. This release is absolute: it is not the release "on parole" which was the Committee's recommendation. In the writer's opinion this is a defect in the measure. It would be a valuable safeguard, as well as a help to the prisoner in educating himself once more for a free life, if the initial release were provisional.

The defect referred to above is obviated by the Punjab method. This Province placed on its Statute Book a "Good Conduct Prisoners' Provisional Release Act" which in several ways is an improvement on the Revising or Advisory Boards of other Provinces. The conditions governing eligibility for release are much the same as for Revising Boards, but instead of a Board consisting of the Inspector-General, a Judge and a Non-official each case is considered by a special Department of Government administered by a Reclamation Officer. This officer submits his recommendations at intervals throughout the year to the Government, and afterwards supervises all released prisoners. Under the Act, prisoners are not totally released but released under a licence which must be fully explained to each individual and signed by him. The prisoner promises to be of good behaviour and to obey the rules laid down for his period of provisional release. Until that time arrives any misbehaviour may result in his return to jail to complete his full sentence.

The machinery of the Act includes Government Farms, to which the majority of the prisoners are sent. But they may also be licensed to other Government Departments, such as the Printing or Forest Departments, or to reputable firms and individuals. In this way some 700 prisoners are being provisionally released annually to a semi-free life where they may re-educate themselves to rejoin the community and earn an honest livelihood.

There are certain Sections of the I.P.C., sentence under which renders a prisoner ineligible for provisional release under this Act. It is considered by many that the restrictions are too many and too rigid, and that a relaxation of them might be made without danger to the community.

The Jails Committee considered that, if their proposed scheme of revision of sentences was adopted, "the practice of granting remission of sentence on occasions of public rejoicing should be abandoned". Such occasions are so few and far between that the subject is of small importance, but remissions have actually been given since on such occasions as the Coronation of the King-Emperor.

"Mass releases" have also had to be carried out from time to time, for instance, to relieve acute overcrowding. These have been a measure of necessity, not of principle or reform, and have usually consisted in the release of well-conducted prisoners with only three months or less of their sentence still to run. They are comparable to the releases of prisoners from English prisons in the early days of the present war, when bombing raids made many prisons unsafe.

## XI

### MEDICAL SERVICE

ON the subject of Prison Hygiene and medical administration the Jails Committee had a good deal to say, but its criticisms were for the most part confined to minor points. As regards *diets* the members agreed that "the diet scales in force in the several Provinces have been arrived at after careful and expert examination and have been found by long experience to serve their purpose well". Recommendations as to details were made and most of these were subsequently accepted and put into force. Among such were the importance of providing variety in the diet; the need for more fresh vegetables; the beneficial effects of good cooking and of hot meals in the cold weather; the provision of sheltered places (not workshops or barracks) for eating meals, and the methods of purchasing and storing rations.

Their recommendations regarding *clothing* and *bedding* were also accepted; one important one being the provision of a second set of clothing. Another, which affected the religious ceremonial of the Moslems, was the provision of trousers instead of shorts for prisoners of that Faith. They recommended the abolition of the iron wristlet for habituals and of the iron neck-ring for all. This was a wise measure as the said rings could on occasion be fashioned into an ugly weapon.

Their suggestion that prisoners attending Court from jail should do so in ordinary clothes and without fetters received the support of the jail administrations but some opposition from the police. Most Provinces, however, have since adopted the procedure.

The Committee praised the "immense amount of care and attention which had been expended on the *general sanitary arrangements* of Indian prisons" and noted that "a very remarkable improvement had been effected during the last half-century". Its main criticisms were directed against the defective lighting of jails and the latrine arrangements. In 1920 very few jails, apart from those in the Presidency towns, had electric lighting. Since then lighting by electricity has increased greatly throughout India, and wherever such power became available the Jail De-

partments have been quick to make use of it. In the Punjab, very few jails now remain which are not lit by electricity.

The important subject of *hospital administration and the care and nursing of the sick* received special attention. There was no doubt that, as regards buildings, the jail hospitals had not, in 1920, advanced like those caring for the civil population. During the war years the needs of the army absorbed most of the available funds; a large percentage of what remained went to ordinary civil needs. There was very little left for jails, and the hospitals of the latter were the "cinderellas" of the Departments.

But in spite of the buildings being often dark, built of mud, and ill-equipped, the Committee had to confess that "the results on the treatment . . . compare favourably with those in the civil hospitals, and the fact that these satisfactory results have been obtained under the existing conditions is the best evidence of the care and attention which have been given by the jail medical staff to their patients".

The Committee pointed out that arrangements for the proper nursing of patients were very defective in jail hospitals (as indeed it also was in civil hospitals), and recommended the provision of paid, trained nursing orderlies. Failing these, long-term prisoners should be trained and employed for nursing; being transferred as necessary from the training jail to others. Paid nursing orderlies have not so far been sanctioned by local Governments; on the other hand, paid Dispensers have been appointed in some jail administrations, including the Punjab, and these not only relieve the doctors of much dispensing and first-aid work, but also help with the nursing. Prisoners are also receiving training as nurses.

Formerly jail hospital patients had no professional medical attention at night, as the subordinate doctors slept outside the jail and it would take a long time for a call from the hospital to bring them. This defect has for some years been rectified by the provision of sleeping quarters for a doctor within the hospital of the larger jails.

Most jail hospitals now have their own kitchen, for the preparation of special-foods. Patients who are on ordinary diet are still usually fed from the main kitchen.

*Tubercular Cases.*—Much attention has been paid to the incidence and treatment of Tuberculosis in jails during the past 20 years. In the larger Provinces special jails have been set apart for prisoners found to be suffering from this disease; in others special

isolation sections for them have been allotted in the jails' hospital areas.

In the Punjab, the Shahpur Jail was selected and converted into a Tuberculosis Jail, with a Provincial Medical Service officer as Superintendent. When, in 1929, the whole jail was rendered uninhabitable by floods, a fresh location became necessary. New sites were explored, not only in the Punjab but also in the adjacent N.W.F.P., for erecting an up-to-date jail of a Sanatorium type. But so many difficulties were met with that the project had to be temporarily given up. Every other jail was already overcrowded owing to the influx of "non-violent non-co-operators". Fortunately the new Central Jail at Multan was nearing completion, and a whole section of it was brought into use for tubercular prisoners. Being a very spacious jail there was no danger of transmitting the disease to other prisoners, and, in fact, no instance of this has ever occurred.

*Preventive Medicine.*—This is a most important feature in jail administration, and to it, in large measure, is due the high level of health in Indian jails. The year 1938 was the healthiest on record in the Punjab jails, with a sick rate of only 17 per mille and a death rate of only 5.75 per mille. This was due partly to the release, on compassionate grounds, of 300 old and infirm prisoners and partly to a generally healthy year. But it was also due to the vigorous preventive measures taken by the medical staffs of the jails. Amongst such measures may be mentioned:—

1. Fly destruction;
2. Anti-malarial;
3. Anti-dysenteric; all latrines made fly-proof.
4. Anti-plague; by rat destruction.
5. Anti-Smallpox; all prisoners vaccinated.
6. Anti-Cholera; by permanganating wells, and inoculation.
7. Anti-Influenza and Cerebro-spinal fever.
8. Anti-Hookworm; mass treatment carried out.
9. General; lectures to prisoners on health topics.
10. Provision of a balanced and nourishing diet with a view to avoid deficiency diseases.

As a result of such measures, carried on over some years, the admissions for Pneumonia showed a reduction from 400 in 1918 to 105 in 1938; for Dysentery, from 655 in 1932 to 76 in 1938; for Malaria, from 7,500 in 1930 to 1,562 (with only one death) in 1938.

Cases of special illness, mainly surgical, may be sent to civil hospitals;—the necessary sanction of Government being obtained.

Much has been done in recent years to improve jail hospital buildings. This includes mosquito-proofing of wards and provision of mosquito nets where Malaria is prevalent.

*Weightments.*—Every prisoner is weighed regularly, and special attention is paid to any who have lost weight.

Convalescent Gangs, in which such may be placed for observation and treatment, are universal. It is noteworthy that 50 per cent. prisoners increase in weight during their stay in prison. This speaks well for the dietary, labour and medical care provided for them.

## XII

### THE PROBLEM OF THOSE WHO SUFFER FROM MENTAL ABNORMALITY

IN discussing the importance of the Mental Deficiency Act of 1913, Tredgold remarked that the great defects in England at the time were that we were quite out of official touch with the great mass of mental defectives who were at large; that we neither knew who nor where they were; that we had no system for finding out or for exercising supervision over their movements, and that there was a woeful inadequacy of suitable accommodation for such as should be placed in institutions.

If such was the case in 1918 in England, what can be said of India, which has as yet hardly begun to tackle the problem of the definitely insane,—thousands of whom are at large and uncared for.

It is well known that the earlier the treatment of the insane is begun the greater is the hope of cure. The same applies with even more force to those whose mental abnormality or defect has not yet reached the stage when insanity may be definitely diagnosed.

Therefore, when the alienist urges the importance of early diagnosis and treatment of the thousands of Indian insanies, we may urge the still greater importance of seeking out and treating that unknown host whose mental state will almost certainly progress to insanity or crime.

But the practical difficulties of such a problem in India are immense. The machinery does not exist; nor are trained psychologists available to do the work.

We must therefore content ourselves with small beginnings, and—in doing so—seek out the fields where such work would be most profitable.

Of such fields, one of the most fruitful and easily controlled is the prison population of Indian Jails. Here we have individuals who are under strict discipline and observation; over whom a Medical Officer is definitely appointed, and who cannot evade observation and treatment (whether at their own or their relatives' wishes) by sudden disappearance. In this respect, the jails have a great advantage over the free hospitals of this country,

where one's most interesting patients have a way of vanishing without rhyme or reason.

The prison population is also a fruitful one, for in many instances it is that very mental defect or abnormality that has led to incarceration.

Both Mental Deficiency and Abnormality find their way into Indian jails. Mental Deficiency is, of course, a condition of arrested or imperfect development of mind, whereas an abnormal mind may be one which has been normally developed but has "gone wrong".

Of the four groups into which mental defectives are divided,—idiots, imbeciles, the feeble minded and the moral imbeciles—the first named are only rarely sent to jails. Nor are imbeciles of common occurrence. Even the most hard worked or obtuse of magistrates could hardly fail to notice the condition of an under-trial in whom "mental defectiveness not amounting to idiocy, yet so pronounced that he is incapable of managing himself or his affairs" exists.

But the case of feeble-minded persons and moral imbeciles is different. For the benefit of those who have not access to the legal definition of such conditions, "feeble-minded persons" are those in whose case there exists from birth or from an early age, "mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision and control for their own protection or for the protection of others"; whereas "moral imbeciles" are those "who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect".

The number of such individuals in Indian jails is unknown, but is probably far higher than most of us imagine.

Every Jail Superintendent meets with prisoners who might well come under one or other of these categories. Some are gentle, simple-minded individuals, who will fall in with any suggestion whether for good or for evil, and are thus at the mercy of their environment. And as they come far more frequently into contact with their fellow prisoners than the jail Staff, the influences brought to bear on them are usually for evil. Such individuals have no ambition and make no plans for the remote future, and if they did, they would not have the strength of will or the necessary wit to achieve them. Owing to this lack of will and the evil advice of their fellows they are constantly getting into trouble,

and also become the butt of other prisoners. Such feeble-minded persons should, of course, not be in jail at all.

But this type is far easier to deal with than the Moral imbecile, who is often the despair of the jail authorities. The term "imbecile" is rather a misnomer for such men. Intellectual defect is usually much less obvious; in fact, many evince a considerable degree of ability—in crime at any rate. They are imaginative, cunning, adept at inventing and carrying out schemes and capable of giving most plausible explanations of their behaviour. In appearance they may be normal or even attractive. At the same time they are fundamentally incapable of appreciating the difference between right and wrong; between "meum" and "tuum"; they have no idea of honour, honesty, morality or any social virtue. They will lie, thief, injure and destroy without the slightest compunction or shame, and they will persist in their actions whenever they get the chance, without being at all deterred by any recollection of past, or thought of future, punishment. Many of them also have a defective sexual sense, and this is another frequent factor in crimes of violence. In spite of their plausibility and seeming intelligence, the fact that they persist in a course of action which has in the past brought punishment, and which will inevitably bring punishment again, shows that they also, like the feeble-minded, are lacking in the wit and wisdom necessary to manage their affairs, to protect their interests and to control their present desires for the sake of future advantage. A typical instance of such a condition was once in the Punjab Jails. During his prison career he has been punished over 300 times, and owing to the exasperation caused by his conduct in the minds of his guardians had been transferred in turn to most of the jails of the province.

And yet, this man and many others like him were once in the incipient stage of their mental disorder, and we must remember that "for such defects they are not responsible, and it is not punishment but protection which should be meted out to them". (Tredgold.) In the case above quoted, it is at least clear that punishment has not had, and never will have, any good effect.

The only jail administration in India which has really attempted to deal with mental defectives is that of the Madras Presidency, where a special jail was set apart for such cases at Cuddalore.

The convict population of this jail is about 300 and most of the

prisoners are either mental defectives or recovered lunatics. The Superintendent is a medical officer specially trained in mental disorders and he pays individual attention to every case. Work and discipline are both light and the irksomeness of confinement is reduced to a minimum. Apart from the advantage to the mental defectives themselves, this principle of segregation in a special jail or institution is most beneficial to the other jails; for they are thereby relieved of the handicaps to discipline and labour of this troublesome class.

It must be confessed, however, that even in Madras only a commencement has been made in tackling the problem. In an average population there of over 15,500, or among the 22,000 convicts admitted during the year, there must inevitably be far more mental defectives. It is at present only the most obvious cases that are diagnosed and sent to the special jail. The remainder gradually deteriorate, and remain untreated just at a time when the possibility of cure is most hopeful.

What appears to be necessary in each Province is a special jail for such cases, together with a trained psychologist, who could spend his time moving from jail to jail, searching out and testing the prisoners for early cases of mental abnormality. He would be at the disposal of Medical Officers of jails for consultations and advice in any doubtful cases and he would make frequent visits to the institution for mental defectives to assist the Medical Officer there in the treatment of his patients. He would receive his salary from Government, and devote his whole time to Government work. Meanwhile, the recommendation of the 1919-20 Jails Committee should certainly be adopted in every Province, namely, that the Government alienist should be appointed as an Official Visitor for all jails and to be available to be called in consultation by Jail Medical Officers in any mental cases. For this extra duty he should of course receive reasonable remuneration. The psychologist's post referred to above would be an interesting field of labour for an Indian doctor with a leaning towards such work.

There might also be doctors or psychologists on the look-out for a special line of study or research; the study of the mentality of Indian prisoners provides an untouched field for such work. There are, for instance, over 1,000 adolescents in the Borstal Institution at Lahore: how many of these have found their way within its gates owing to some mental defect or abnormality? How many should not be there at all for the same reason?

As was said at the beginning, it is not known how many Indian prisoners are mentally defective; nor who they are. Nor is there the machinery for finding them out. And yet, the conditions are almost ideal for research on this subject in jails, were the workers forthcoming. The Medical Superintendents of jails—with their multifarious duties—have not the time to do such work; specially trained Indians are necessary, who would have the leisure to observe individuals carefully and to carry out the necessary mental tests.

When trained psychologists become available, at least one should be posted to each provincial Jail Department for this special work.

All Inspectors-General of Prisons would welcome such assistance, for, as Dr. Hamblin Smith points out, "uninvestigated offenders are the most expensive luxury that any community can indulge in". A Medical Prison Commissioner in England once estimated that the application of the Mental Deficiency Act in itself had caused a permanent diminution in the prison population of England by about 200 daily. In India the population of Punjab Jails alone exceeds that of all the prisons of England and Wales, and there is little doubt that a scientific examination of the Punjab prisoners would result in a reduction comparable to the population of a whole jail.

In justice to those unfortunates who have been, often for no fault of their own, defective in intelligence for most of their lives it is our duty to protect and to treat them, instead of inflicting upon them faulty and quite useless punishment. During the past 20 years very little has been done in this respect, and we can expect nothing until the war is over. But, when we are once more at peace and can give our thoughts and energies to the betterment of mankind, may we see in Indian jails a great advance in the diagnosis and treatment of those who suffer from mental abnormality.

### XIII

## SPECIAL CLASSES OF PRISONERS

### CIVIL PRISONERS

Twenty-five years ago the number of persons sentenced to Civil imprisonment in the execution of decrees under the Code of Civil Procedure varied greatly in the different Presidencies and Provinces. For instance, the Madras Presidency had a daily average of 1,250 Civil Prisoners as compared with only 83 in Bengal. Similarly the United Provinces had a daily average of 797 whereas the Punjab had only 155 and the Central Provinces 33. It was therefore difficult to lay down rules or recommendations applicable to all parts of India, and each administration has had to tackle the problem for itself. The Committee, however, agreed on certain principles, namely, that Civil prisoners should not be confined in criminal jails but in separate institutions or at least in separate enclosures; that they should be encouraged to work, be allowed books and games, and permitted to purchase books from outside; that they should have separate sleeping accommodation; and that they should never be guarded by convict officials. Several of these principles were already in force. Bombay and Madras already had separate Civil prisons; others, such as the C.P. and Punjab, had separate buildings in enclosures near to, but quite apart from, the District Jail. As regards the other recommendations, where convict officials were employed to guard Civil prisoners the practice was soon stopped; it was found that there was no general demand for separate sleeping accommodation among this class of prisoner, and as for work—very few were willing to profit by any facilities given to them in this respect. Since the Committee's report, several Provincial Governments have passed Relief of Indebtedness Acts. These have caused a marked diminution of Civil prisoners. So few have they become in the Punjab, at any rate, that the maintenance of separate jails for them has become unnecessary;—the few that remain being quartered in a separate enclosure within an ordinary jail.<sup>1</sup>

<sup>1</sup> A rapid rise in admissions to Punjab Jails began in 1923. This increased from the 1922 figure of 33 to 500 in 1934. In that year the Punjab Relief of Indebtedness Act was passed, with the result that in 1937 there were only 45 admissions.

### MILITARY PRISONERS

Soldiers convicted in a Civil Court for an offence against the I.P.C. are of course treated as ordinary prisoners. The special class referred to here is of those sentenced to imprisonment by courts-martial for purely military offences. The Committee recommended—quite rightly—that these should not be sent to criminal jails, but to military prisons. The Conferences of Inspectors-General of Prisons which met approximately biennially supported this recommendation on more than one occasion, but no action has been taken. India is so vast a country, and the number of such prisoners is, comparatively, so small that the difficulties of distance and transport are serious. The Jail Departments are provincial matters, and no Province has shown itself willing to take over the responsibility of administering a military prison for all India. The Central Government has evidently not considered the matter of sufficient importance to take the initiative, and the Military Department itself has not brought effective pressure to bear.

Consequently, although there exist in India several military Detention Barracks for British soldiers, Indian officers and soldiers convicted of courts-martial offences have still to be admitted to ordinary criminal jails. Usually, they are not isolated from other prisoners but are given early opportunity of promotion to convict official rank.

### FEMALE PRISONERS

Female prisoners present the Jail administrations with a problem somewhat similar to that of the Military: their numbers are so few compared with the male prisoners that if careful classification according to character, etc., is carried out a woman may find herself condemned to solitary confinement for the whole of her sentence.

The Committee was faced with two alternatives; either to have a special Female Jail in every Province, to which all females with sentences above a few weeks should be transferred and there be separated according to classification, or to allow them to remain in female enclosures of the jail of their district and run the chance of being quite alone or of associating with a thief or a prostitute. They recommended the former, and with this the writer agrees.

In these days, means of transport are much easier and more rapid. There are more trains, and throughout India motor

coaches are available by which to convey prisoners and their escort. It may still be costly for relations to come and visit them at the Central Jail, but it would be better to assist the relations financially rather than to keep women for long periods in the enclosures of District Jails, where their sole companions might be most undesirable and where reformatory measures in work, education and recreation are almost impossible. In a Central Jail, on the other hand, all these measures can be carried out.

In the past, female prisoners have been somewhat neglected; they have been properly housed, fed and clothed, but on the whole nothing much was done for their reformation and education. A marked exception to this was the Female Jail at Port Blair, where, as far back as 1912, the women were employed on useful and educative work and taught First Aid, Child Welfare, etc. They made all the blankets and clothing for the Settlement; also sheets, towels, dusters, fishing nets and a certain amount of finer work. This Female Jail was closed in 1923 and the women transferred to the jails of their respective Provinces. In India, in those days, women did the normal services of their jail or enclosure, but their work was dull and uneducative, such as wheat cleaning and grinding, sorting wastepaper and so on. Latterly the position has much improved in the Central Jails. The women are encouraged to do fine sewing and embroidery: at the Mandalay Female Jail the Jail Superintendent's wife taught the women to make the embroidered edging of saris, for which there was a good market. The Lahore Female Jail caters for not only the Punjab but also for the longer-termed women of the N.W.F.P. and Delhi. Its average population is about 250. In this jail there are separate sections for casuals, habituals, and adolescents; there is a hospital enclosure, where also is the school building, and there is a special area for industries. (The habituals work within their own enclosure.) Formerly the women of this jail did grain cleaning and grinding and paper sorting; now the wheat is ground in the male prison, and only a few, old and weakly women are given paper sorting. The able-bodied women go through a thorough course of instruction in cotton spinning, weaving on hand and pedal looms, and making jail clothing. Many of the women who enter the jail have never used a needle in their lives, but it is remarkable how quick they are, especially the Pathan women, in picking up sewing. When they have learnt to use the needle thoroughly they are trained in finer work, such as embroidery of children's garments, saris,

sheets, etc., Hardanger, drawn-thread, and crochet work. Table linen also is beautifully made up into cloths and dinner sets. For all these articles there is a ready sale. Another industry is the making of stockings and socks on hand-power stocking machines. On these are made all the stockings for the Borstal lads. A great deal of the credit of these industries must be given to the keenness and devotion of the Lady Superintendent of the jail herself during the past 15 years; but she has been much helped by the lady Non-official Visitors and Government instructors. On the educational side, there are schools and paid teachers for both women and their children, who are taught not only primary education but also physical exercises and games. The pupil teachers of a Lahore women's College have voluntarily made it one of their social duties to come and teach the women drill and games. For the adolescents there is modified Borstal training, and they have become very keen Girl Guides, being trained in this by an English lady missionary. The I.M.S. Jail Superintendent and his medical staff train the women in First Aid, Mothercraft, and Child Welfare.

The after-care of these women is not forgotten: a very high percentage of those released go back to their village and homes and need very little after-care. But endeavours are made not to lose touch with the women who have become skilled in fine sewing and embroidery. Where possible, orders and materials are obtained for them, so that they may continue to do the work in their own homes and so help with their earnings in the family budget.

All this education of character and manual skill are surely more conducive to an honest future life than the alternative of confining women in small sections of an ordinary jail. Besides the Mandalay and Lahore Female Jails, all three Presidencies have special Female Jails, that at Vellore in the Madras Presidency being a recently constructed jail of a novel design.

There is finally one point of importance in connection with the concentration of females in one central prison;—it involves the method of transport. The Committee stressed quite correctly that such women should not be escorted, often on long journeys, solely by police constables: they advocated the provision of women warders for such duty. This recommendation was accepted, and extra female warders enlisted for the purpose. They are posted to the Female Jail as a reserve, and can be sent from there to fetch a prisoner from a District Jail as required.

## XIV BUILDINGS

ONE of the difficulties which faced the Jails Committee when considering the closure of the Penal Settlement in Port Blair was the lack of accommodation in Indian jails for the 10,500 prisoners who would have to be repatriated. Taking their estimate of 1,500 prisoners as a maximum for a Central Jail it is clear that seven Central Jails would be needed even if (as was not the case) the convicts could be sent back to special Central Jails irrespective of the Provinces to which they belonged. Again there was the cost. The existing Indian jails were already full, and to build new Central Jails on the lines recommended by the Committee would have cost over 200 lacs of rupees. Very few of the Provinces had any desire to spend even 30 lacs for a single jail. This difficulty, though not stressed in their Report, was certainly one of the considerations which led the majority of the members to recommend a change in the character of the Settlement rather than its total abandonment.

Though realising that the very varying climates of India necessitated differences in the construction of jails, the Committee was able to lay down certain principles for future action, and many of these have been adopted either in part, when improving an existing jail, or in full, when erecting a completely new jail. Their first recommendation was the area which should be allowed. In England, where most prisons are within city boundaries, prisons have tended to reduce their ground area by increasing their height: in India this is not necessary and therefore Indian jails have tended to spread laterally. This is all to the good, in a country where one of the problems is intense heat. Recognising this, the Committee advocated that the minimum area within the main walls should not be less than 75 square yards per inmate, *i.e.* 23.25 acres for a Central Jail of 1,500 prisoners. They added that, when possible, the area should be 100 square yards per inmate or 30 acres for the whole. This would allow plenty of perflation of air between the walls and buildings, adequate room for barracks and factories and spare space for future buildings which might be necessary.

Their second recommendation was that, in view of the importance of adequate space around the jail both to provide ample room for gardens and staff buildings and to keep away undesirable people and bazaars, an area of not less than 30 acres for gardens and a similar amount for staff and other buildings should be acquired when a new jail was to be built. Actually, when the new Central Jail was built at Multan, 100 acres in all were acquired and this was found to be none too adequate. The area at the new jails of Haripur in the N.W.F.P. and Nasik Road in the Bombay Presidency must have been equally large.

As regards situation, new jails should obviously not be built in the middle of towns, but preferably one or two miles away from them. Apart from anything else it has been found advisable to keep jails outside the municipal limits, so as to be free from liability to municipal rates and other such drawbacks. On the other hand, a jail should not be too far in the country: for one thing it is hard on the staff, who would find life very lonely and the necessities of life hard to get; for another it adds to the difficulties of conveying prisoners to and from the Courts and Stations and obtaining rations and stores.

The lay-out of a modern jail is rendered difficult by the number of yards and buildings which ought to be grouped at or near the main gate, *e.g.* quarantine, hospital, female enclosure, enclosure for under-trials, and store-godowns. It may also be complicated by the shape and size of the site available. However, the Committee designed a plan embodying their recommendations and this has been the basis of a number of jails which have subsequently been erected.

Their detailed suggestions regarding barracks, latrines, hospitals, cells, interview rooms, ablution places, etc., have also been accepted, and adopted as far as funds permitted. Generally speaking, their suggestions meant increased expenditure, and it has often been beyond the financial powers of a Province to carry them out *in toto*.

It has already been mentioned in the chapter on labour that the erection of jail buildings is a suitable form of task for prisoners. This has been done where haste was not essential. Just as in England, the erection of a prison by prisoners is a slow job. On the other hand, rapid construction by contract means large grants in a single year. These considerations may have influenced the choice of method in recent years. The Multan and Haripur Jails were

built by P.W.D. Contractors, whereas the Nasik Jail and the new Central Jail at Tharrawaddy in Burma were built largely by jail labour.

The Madras Presidency has not found it necessary to build any more jails for male prisoners. Their existing jails, though some dated back to mutiny times, had been periodically improved and did not suffer from overcrowding. The cellular Central Jail at Salem was already finished when the Committee visited India. The central prison of Madras City, called the Penitentiary, could well be moved and the sale of its site would go a long way towards paying the cost of a new jail elsewhere. But this is for the future.

In Bengal, plans for no less than seven new Central Jails have been proposed, but none have as yet been started. When, in the days of political agitation, the influx of Civil Disobedience prisoners caused great overcrowding, Bengal located these prisoners in huddled camps and in old buildings at Dum Dum.

The jails of British India still show infinite variety: some are modified Forts or Serais dating back hundreds of years, others are solid structures 80-100 years old. Some are built of mud or sun-dried bricks; others of Mogul brick-work; others of local stone. Most of the modern ones are of brick. The jails built in recent years are good in construction and design, and several could stand comparison with those of any country in the world.

Of the jails in Native States it need only be said that some, of which Mysore and Bikanir may be cited as examples, are as good and up to date as the average jail in British India, while others are still mediaeval. One State had, at any rate, till recently, a "non-dieted" jail whose prisoners were let out daily to go and get food in the local bazaar! In another State there was an old belief that ill-luck would befall the State itself and its ruler if the jail were ever entirely empty. And so, if no prisoner were available, a shackled goat would be confined in the jail to avert possible trouble! In some Native State jails iron leg-fetters weighing 110 lbs. are still occasionally used. But such conditions are now becoming rare, and the Princes and their Ministers are throughout India bringing enlightened principles and methods to bear on the administration of their jails and prisoners.

## XV

### VISITORS

THE Jails Committee's Report (para. 511) expressed the view that the Indian system, appointing Official and Non-official Visitors to jails "ensures the existence of a body of free and unbiased observers, whose visits serve as a guarantee of the Government and Public that the rules are duly observed and that abuses, if they were to spring up, would speedily be brought to light. In this respect the Indian system is, we think, superior to that followed in other countries where the visitors become a part of the prison organisation, with definite powers and duties, and so become more or less identified with the prison administration. In India they remain impartial and independent". They also considered it of great importance as a means of creating among the public an interest in prisons and prisoners. For these reasons they were strongly of the opinion that non-official as well as official visitors should be appointed for *all* jails.

The Provincial Governments accepted this opinion, with the result that the number of Non-official Visitors appointed to individual jails has greatly increased.

In some Provinces, of which the Punjab is one, a third category of Jail Visitor has been started since the inauguration of Provincial Legislatures. The latter appoint from amongst their members a Committee to deal with jail matters, and the members of this Committee are authorised to visit all the jails of their Province in the same way and with the same powers as Non-official Visitors of local jails.

And these powers are very broad. They are laid down in a Government pamphlet supplied to every N.O.V. and with a few reservations enable a visitor to visit any part of the jail; to see any prisoner and converse with him out of hearing of the warder escort; to call for and inspect any jail book or register, and to comment freely on any matter of jail concern in the Visitors' book. The latter has columns for the comments of the Jail Superintendent and the Inspector-General, and each Visitor is entitled to receive in due course a copy of the replies to his note.

As would be expected,—taking into consideration the varied characters and education of the many visitors—their notes vary

greatly in length, character and usefulness. Some are helpful and constructive; others merely critical; a few frankly antagonistic to the jail regime. But, on the whole, Non-official Visitors have been found to be decidedly useful and a help to the jail's administration. The fact that they are known to visit the jails regularly also gives the public a feeling of confidence that the jails are being properly run and that the welfare of the prisoners is being cared for. Very occasionally Non-official Visitors have abused their position and in one instance a Congress member of the Legislative Jails Committee went so far as to try to suborn the staff against the British Government. Needless to say, he not only failed in his object but shortly afterwards found himself a prisoner, and had to be removed to a jail in another Province. Such cases are of course very rare and in no way invalidate the general opinion that the system is a sound and useful one.

Official Visitors are in rather a different category, and are an essential adjunct to jail administration. They include the Sessions Judge, District Magistrate, Commissioner, and Executive Engineer or his representative. For jails which have educational classes among the prisoners the local Inspector of Schools is usually an Official Visitor, and where there is a branch of the Prisoners' Aid Society its Secretary is also permitted to visit the jail to interview those prisoners due for release.

Where there is a Female Jail, or an enclosure in an ordinary jail for female prisoners, Government appoints lady N.O.Vs. These are often European missionaries, but nowadays educated Indian ladies are coming forward more and more to help in the welfare, education and reformation of female prisoners.

## XVI

### TRANSPORTATION

AT the time of writing the Penal Settlement of Port Blair is in the hands of the Japanese. Many of the prisoners were repatriated before their arrival, and the remainder are presumably carrying on the essential services of the settlement for the enemy's benefit. As a Penal Settlement, Port Blair is now closed and transportation thither completely stopped. It is, in the writer's opinion, extremely unlikely that transportation will ever be resumed, whether India remains under British rule at the end of the war or becomes completely "independent". Consequently, it seems of little use to discuss the policy of transportation in connection with India's Prison administration or to rebut the graver charges made by the Jails Committee in their Report. The following short note may, however, be of interest to those readers who feel that past history may be a guide to the future.

One of the results of the assumption of responsibility, in 1784, by the British Government was that the system of transportation was at once begun for Indian prisoners in the same way as it had just been inaugurated to Australia for British. The first Indian penal settlement was at Bencoolen, in S.W. of Sumatra. Thither the first batch of Indian convicts was transported in 1787. They were mainly employed in jungle-clearing and road-making, but a few were hired out to local planters.

Of this Settlement it was reported 30 years later that the convicts rarely desired to return to their own country; they were encouraged to marry, formed connections in the place, and found so many inducements to remain that they became practically colonists.

When, in 1823, Bencoolen was transferred to the Dutch, its convicts were transferred to the island of Penang which had already been made a second penal settlement. But, 2 years later, Penang was also closed and Singapore started.

The convict establishments in the Straits settlements lasted from 1825 to 1873. But meanwhile, in 1867, Mr. Man proceeded with Life convicts to the Andamans and began to open up a new Settlement there. To this place, in 1873, those convicts whose terms had not yet expired were transferred from the Straits, and

consequently all convicts sentenced to, and physically fit for, transportation were sent to the Andamans.

The convicts were quartered mainly in barracks and villages round the large harbour of Port Blair or on one of the several islets within it. Towards the end of the last century a three-storeyed Cellular Jail was built on a promontory and this accommodated about 830. It was the Clearing House for all new arrivals and also the prison for local offenders. Latterly it became the special location of the so-called "Political" prisoners,—mostly terrorists and violent law-breakers who could not be trusted in the semi-free conditions of the Settlement.

In 1910, when the writer was first posted to the Settlement, there were about 11,500 convicts. Malaria, dysentery, tuberculosis, etc., were prevalent, but the conditions of life for the convicts were not unduly severe. Some of the gangs had a hard time but the Self-Supporter system was in full swing, many convicts were servants to officers or worked in Government offices and hospitals. One recalls, in fact, many more contented, even happy, faces than sad or sullen ones.

Then came the war of 1914-1918, when Settlement officers were withdrawn for military duties, public works were reduced to a minimum and the medical department had to struggle on with depleted staff and equipment.

In 1919, before any amelioration of war conditions could be effected, the pandemic of influenza struck the islands. This caused many deaths, and left the general health of the Settlement weakened for many months. In January, 1920, having been specially recalled from military service overseas, I arrived to take over the duties of Senior Medical Officer, and a fortnight later the Jails Committee paid their visit to the Settlement. Knowing the former conditions of the Settlement and the causes of recent ill-health I expressed before the Committee my conviction that, given full staff and proper equipment, the mortality could be brought on a par with that of Indian Jails. Even the medical members doubted this: nevertheless, by 1921, the death rate was 4 per mille *below* that of Indian Jails!

Actually, the death rate of Port Blair during the 10 years previous to the Jails Committee's visit had been 35 per mille as against the death rate of 21.25 per mille in Indian Jails. The death rate of Port Blair in 1919 was 44 per mille but by 1921 it had fallen to 15.9 per mille. Not only was the death rate reduced

but the daily sick rate, which was 77.7 per mille in 1919, fell to 49.6 per mille in 1921; the admissions to hospital showed a reduction of 34 per cent. on the average of the previous 30 years. Thus not only was the S.M.O.'s optimistic forecast more than fulfilled, but the 1921 vital statistics of Port Blair were better than those of the jails of any Province in India.

This result, though too late to affect the Committee's Report, showed that the strictures on the health of the Andamans were somewhat unjustified.

A great deal of the improvement in the health of the Settlement was due to the lessened incidence of Malaria, brought about by the swamp reclamation and intensive anti-malarial work. These measures caused a reduction of admissions for Malaria from nearly 15,000 in 1919 to 5,618 in 1921 and about 2,600 in 1922. Coincident with the reduction in Malaria was an equally welcome reduction in other diseases.

The closure of the Settlement, recommended by the Committee, was for various reasons impracticable, but a gradual reduction to about 6,500 was gradually effected, while the condition of those that remained was made far easier. No convict was transported without his own consent, even if sentenced to transportation, and then only if—by age, physique and character—he was considered good enough for the high standard aimed at in the Settlement.

From then on, under the wise guidance of the Chief Commissioner, Lt.-Col. M. L. Ferrar and his successors, practically all the "penal" conditions that had remained disappeared and were replaced by conditions resembling an agricultural self-supporting community. The convicts who arrived were quickly drafted out into the semi-free stations or villages of the Settlement; they were encouraged to marry or to send for their families; batches of them returned at intervals to India for these purposes. For the first time in the lives of many of them they were able to secure full tenure of the land allotted to them; they were provided with full facilities for the observance of their own religions, and there were excellent schools and dispensaries throughout the Settlement.

The filling in and drainage, interrupted by the war, of the malaria-breeding swamps was completed and, by these and other preventive and sanitary measures, malaria and dysentery were reduced to one-tenth of what they were formerly. All cases of tuberculosis and other serious disease were repatriated to India as soon as they were diagnosed.

By 1935 the death rate of the Settlement was below the average of the total jail population in India. The latter was 11 per mille, which was itself one per mille lower than the average of the previous 5 years.

Boy Scouts, Girl Guides, Welfare Clinics and the training of Midwives were successively started, and all welfare activities of this nature were combined, from 1924 onwards, in one "League of Health" under the guidance of the Senior Medical Officer and the Settlement Officers. The son of a former convict was awarded the title Khan Sahib for his excellent work in this connection.

There has been an impression, even among ardent penal reformers, that the Penal Settlement of Port Blair was only little better than Devil's Island. This is a completely erroneous idea. The conditions at Port Blair have always been totally different from those in the French Guiana Settlement. Keeping in mind the remarkable improvements effected in the past 20 years it may safely be said that the Settlement at Port Blair, now overrun by enemy aggressors, has gone down with its head high and an unsullied flag flying.

The high sense of duty which has animated the officers of the Settlement was in evidence up to the last. The Chief Commissioner, Mr. C. F. Waterfall, I.C.S., was given wide discretion by the Government of India and managed to evacuate all the families of the officials as well as the wives and children of the non-indigenous population, a certain number of officers and some of the convicts. He himself decided to stay at his post, and there remained with him five British and two Indian officers and also a number of subordinate personnel to maintain law and order and to look after the civil population and the convicts that remained. All these officials are now prisoners of the Japanese.

## XVII

### CONCLUSION

As a matter of fact there should be no conclusion to a book on Prison Reform, any more than there is any conclusion to Prison Reform itself. Prison administrators and all those interested in the subject should never be satisfied with the *status quo* but should always be aiming at improving the prisons themselves, their staffs and administration, and doing everything in their power to reform the prisoners and make them honest and industrious members of Society. To do this will take them far afield from the precincts of prisons, for it cannot be too often reiterated that the reform of prisons and prisoners is dependent on penal, social, economic and educational reforms by the community even more than on measures directly concerned with prisons.

In India, for instance, as long as life is held so cheap and violent crimes are so common, as long as education—especially of women—is so meagre, as long as the standard of life is so low, and as long as religion is bound up with politics instead of being divorced from it, so long will the jails be over-full and their improvement and the reform of the prisoners difficult. This is not to say that much has not been done in the past to improve the conditions of the people of India; on the contrary, the improvements effected have been marvellous. But there is still much to be done, and it is now for Indians themselves to set their house in order.

A perusal of the preceding chapters will have shown that, despite many difficulties, the past 20 years have shown a great advance in the management of jails and their inmates. Improvements have been effected in buildings, staff, administration and labour, while much has been done on the reformatory side. The war in which India as well as the rest of the world is now engaged has temporarily put a stop to many reformatory measures, but it may safely be anticipated that, with the coming of peace, a vigorous resumption of effort in this respect will be made.

## XVIII

### A NOTE ON CERTAIN REFORMS CARRIED OUT IN JAIL ADMINISTRATION IN INDIA DURING THE YEARS 1939 AND 1940

#### CHAP. V.—CLASSIFICATION AND SEPARATION

At Narsinghpur, in the Central Provinces, there has been since about 1923 a Borstal Institution: this has suffered from a defect in that it had also to receive adult local offenders until they could be transferred to other jails. In 1939 this defect was remedied by the opening of a new sub-jail there, thus at last effectively separating adults from youthful offenders.

#### CHAP. VI.—PRISON LABOUR AND MANUFACTURES

In Bengal, the extraction of oil by manual labour was much restricted, and in the U.P. it was abolished and replaced by machinery. Grain-grinding by hand labour is also being restricted in some Provinces.

The U.P. started Dairy and Seed farms at the Lucknow and Rae Bareli Jails and extended farm work generally in order to train prisoners in the latest agricultural implements and methods. In this connection they have secured the services of an Agricultural expert to tour the jails and advise. Bihar, in 1939, made a similar start. In the Punjab this has been the practice for some years.

Another industry which has been in full swing in Punjab Jails for some years,—*i.e.* hand-spinning of cotton by the “charkha”—was introduced in the Jubbulpore Jail (C.P.) in 1939 and in the Ajmer-Merwara Jail in 1940. Jubbulpore Jail also started the manufacture of bandage cloth which had already proved such a success in the Ludhiana Jail (Pb.). The Women’s Social Service Institutions of Bengal began, in 1939, to impart instruction in suitable arts and cottage industries to the female prisoners.

#### CHAP. VII.—REFORMATORY INFLUENCES

*Educational.*—In a number of jails (*e.g.* Bombay Pres.) better lighting has been provided in order to enable prisoners to read at

night after lock-up. The provision of electric lighting in many fresh jails has greatly facilitated this reform. In the Punjab the electrification of jails was by 1940 nearly completed and in the C.P. it is proceeding apace,—Jubbulpore, Wardha and Akola having been completed during these two years. Cuttack Jail in Orissa and Krishnagar Jail in Bengal were electrified in 1939.

The primary education of prisoners, and (it may be added) of illiterate warders, has greatly increased. Bengal introduced it for the prisoners of the Presidency Jail, Midnapore, Dacca and Rajshahi Jails in 1939, and appointed paid teachers for them. Miscellaneous lectures, some with lantern or cine-films, were also introduced. In the Punjab, the campaign against illiteracy was vigorously carried on in the jails, and in 1939 6,600 prisoners received instruction, of whom 1,180 attained the literacy standard required by the Educational Dept. A training school was opened at the Lahore C. Jail in which 30 literate convicts received special training in the "direct method" of teaching adults. This enabled an extension of primary education in 1940 to five more large jails, and as a result of this the annual award of Literacy Certificates rose to 2,717 in 1940 and 3,372 in 1941. In 1939 the C.P. Govt. introduced compulsory adult education in the Jubbulpore Jail and permitted honorary outside teachers in some of its jails.

The N.W.F.P. took steps to promote the education of both adult prisoners and illiterate warders, and started classes in the Central Prison, Dera Ismail Khan.

In Sind, the provision of elementary education, on a voluntary basis, for prisoners under 40 was extended, and paid teachers were appointed to the Hyderabad and Karachi Jails. The same applies to Assam for prisoners of 30 years and under. Bihar increased its teaching staff at the Gaya Jail.

Wireless, as a means of both education and recreation, is on the increase. In the Punjab, most jails have a radio set,—presented by the Prisoners' Aid Society or private benefactors. Madras reports that radio sets were installed in Salem and Rajahmundry Jails in 1939-40.

*Physical.*—Bengal introduced out-door games and physical exercises for all prisoners in Central and District Jails, and annual athletic sports for prisoners in its Central Jails. The U.P. has gone further, and in 1939 the first "Inter-jail Tournament" was held,

in which all Central Jails and the Juvenile Jail participated. This was reported to have been an unqualified success.

Assam and Ajmer-Merwara also introduced out-door games for their prisoners in 1940.

*Moral.*—Apart from the grant of additional holidays to prisoners on the occasion of their respective religious festivals, no special reforms have been reported.

*Rewards.*—In 1939 the C.P. passed an Act providing for the temporary release under certain conditions of well-behaved prisoners for short periods of about 10 days to enable them to visit their homes.

In 1940 the N.W.F.P. introduced an Act under which all well-behaved adolescents are released under the care of guardians on completion of one-third of their sentences. Many amendments to the Remission system were made in order to encourage to a greater extent good conduct and work. Sind now grants to every prisoner who earns his annual good conduct remission the sum of R. 1/-, to be paid to him on release. Both Madras and C.P. now grant small monetary rewards which may be spent on eatables, tobacco, snuff, etc. As with Remission, considerable further concessions have been granted in regard to letters and interviews.

*Punishments.*—The imposition of hand-cuffs and fetters generally shows signs of reduction. The N.W.F.P. reported that the imposition of fetters by way of punishment decreased from 62 in 1939 to 24 in 1940.

No changes in the important matter of flogging are reported, though the N.W.F.P. states that the punishment of whipping is now (as has been the practice in other Provinces for some years) only resorted to in cases involving violence and moral turpitude. The Punjab's steady reduction in number of whippings was broken by an increase to 28 in 1940 and 26 in 1941. Considering the general unrest during those years and the tendency of bad characters to resort to violence under such circumstances, this increase is perhaps not surprising.

#### CHAP. VIII.—AID TO PRISONERS ON RELEASE

No important improvement has been reported, but there has been a definite increase in interest in the U.P.

## CHAP. IX.—ALTERNATIVES TO IMPRISONMENT

*Young Offenders.*—Bengal re-organised the Berhampore Jail for the concentration of juvenile prisoners in a special section, and provided a whole-time Superintendent and a staff of teachers to look after them.

## CHAP. XI.—MEDICAL

*Diets.*—Careful supervision has continued in all Provinces several of which have announced modifications in order to secure more variety, better quality and extra suitability for certain categories. Extra items have also on occasion been given to induce more contentment and better work, *e.g.* an issue of Gur to U.P. prisoners engaged on "Sweepers" work.

*Clothing and Bedding.*—Cotton sheets are now issued to all prisoners in nearly every Province. The U.P. reports improvement in the hospital clothing and bedding: Sind and U.P. have extended the use of trousers instead of "shorts". Female prisoners too have not been forgotten, and in several Provinces defects in their dress have been remedied. The better class Bengali prisoners will doubtless much appreciate the provision of sock-suspenders, sanctioned in 1940. Madras has introduced compulsory inoculation against Typhoid and Cholera whenever the medical officer considers this necessary.

## CHAP. XII.—MENTAL ABNORMALITY

In the U.P. more scientific treatment was begun in 1939 for prisoners suffering from defective mentality. These are now segregated and treated by an alienist. Bihar also made a move in this direction by sending a sub-assistant Surgeon and four warders to the Ranchi Mental Hospital for special training.

## CHAP. XIII.—SPECIAL CLASSES OF PRISONERS

*Military.*—In 1940, Madras made provision for the transfer of Indian military prisoners, sentenced by courts-martial to one year or over, to a jail in their own Province.

## CHAP. XV.—VISITORS

The importance of Prisoners' Aid work has been appreciated in Bengal, by the appointment of extra visitors on the recommendation of Prisoners' Aid Societies and after-care Associations, and in the U.P. by the appointment of the President, D.P.A.S., as a Non-official Visitor of all the jails in the Province.

## II. APPENDIX

### 1. CERTAIN FEATURES OF CRIMINALITY IN INDIA

*Note by Sir LOUIS STUART*

These are the impressions of certain murders, most of which came to my notice in the United Provinces of Agra and Oudh between 1899 and 1930. I was Sessions Judge in seven different divisions between 1899 and 1910, and in that capacity had original jurisdiction in cases of murder. I thus heard some 70 to 80 cases. From 1910 to 1912 I was Judicial Secretary in the Local Government, and as part of my duties noted and reported on some 200 petitions for mercy against capital sentences. These petitions were decided by the Lieutenant-Governor after considering my reports and examining the cases in full. From 1912 to 1930 I was on three final Courts of Criminal Appeal—the Court of the Judicial Commissioner of Oudh, the High Court of Allahabad, and the Chief Court of Oudh. I heard some 600 appeals in murder cases in those eighteen years.

I have scanty records, and have thus been dependent mainly on my memory. I have not attempted a scientific approach.

The population of the United Provinces was about  $49\frac{1}{2}$  millions. That of England and Wales is nearly 40 millions. Murders in the former used to be about 800 a year. They have increased in recent years. There were 862 in 1936, and 1,135 in 1938. The annual average in England and Wales is less than 140.

There are probably many undiscovered murders in the United Provinces. Disappearances are frequent. Men and women leave their homes in search of work and for other reasons and are not again heard of. Corpses can disappear. A dead body does not last long in the jungle, and jungles are numerous. Vultures, jackals, and other devourers make short work of it. The sun and rain bleach the bones. The new undergrowth conceals them. Even if a wayfarer passes, he need notice nothing. There are also many rivers. Once the body is in a river, the crocodiles, turtles, and fish are as effective as the vultures. Many murders pass as deaths from natural causes. See (8) on murders by poison.

#### (1) MURDERS OVER TRIFLES

Townsmen and villagers in the province are on the surface placid and peaceable, but there is a streak of blind fury latent which may burst out here and there unexpectedly.

The most remarkable instance I know came from the Southern Punjab, where characteristics approach those prevailing in the North-West of the United Provinces. Two Sikh youths, who were great friends, were working in the fields. One was a noted singer. During the mid-day rest, the other asked him to sing. He obliged. The friend was delighted, and begged him to sing again. He refused, giving the good reason that he had to return to work. The friend pressed him. He still refused. The friend then abused him—Indian abuse is almost invariably filthy. The singer retaliated. The friend picked up a mattock, and split the singer's head open, killing him instantaneously. I obtained these particulars from the Superintendent of Police. The occurrence was in a village in the Patiala State.

Next are three cases which came before me.

(i) An old cultivator returned home one morning, to find that his wife, to whom he had been married for forty years, had left two newly purchased bullocks in the sun. He abused her. She abused him. She then—to show her contempt—lay down deliberately on a bed in the porch. He picked up an axe and killed her on the spot. He had the reputation of being a quiet old man. This was in a district in Oudh.

(ii) The following was in another district in Oudh. A cultivator whose wife had died had household duties done by a daughter of twelve. He came home from the fields earlier than he was expected one morning, and demanded his food at once. The daughter was doing other work, and asked him to wait until she had finished what she had begun—this would not take long—and then she would get on with the preparation. He shouted—"You dare answer me!" picked up an axe and killed her.

(iii) A scavenger was having a dispute with his sister. He wanted her to marry one man. She wanted to marry another. Abuse followed. He seized a *lathi*—the bamboo equivalent of a quarter-staff—and hit her over the head. The skull smashed like an egg-shell. I remember the post-mortem evidence. This was in the Meerut District.

A general cause is over the cooking of food. The husband comes home for the day meal, and finds too much or too little salt in the food. He abuses his wife. She sometimes retaliates. Then occasionally he picks up the nearest lethal weapon and kills her. I have seen a very large number of such cases, which those acquainted with the Southern races of Europe would, perhaps, have found less bewildering. As, every day, there must be hundreds of thousands of quarrels over the cooking of food, the question arises—why here and there is the result murder?

## (2) MURDERS DUE TO JEALOUSY

Domestic affection, as we understand it, is rare between man and wife in the province. It exists in places but is not the rule. There is love

of children—of sons in particular—love of parents but not usually love of wife. The husband generally regards her as a possession, who, in the working classes, works for him all day, is for his use at night, and bears children. I have not seen many murders committed by reason of a wife's infidelity.

False assertions of infidelity are put forward frequently as an excuse, when the wife has been murdered in a fit of temper, in cases falling under (1). I do not remember an instance when the assertion was true. A common class of wife murder is where the wife has gone on a visit to her father's house, and stays longer than the husband wishes. He follows her, and orders her back. She refuses. Abuse follows, and he kills her. He pleads in cases, where the murder has been brought home to him, that she has been carrying on with another man. I am not in a position to know how far the wives of working-men in India are virtuous. My impression is that they are generally virtuous. Adultery is more common in the higher classes. An Indian woman in the working-classes is usually under the eye of her mother-in-law, and always under the keen scrutiny of her neighbours. Fear of almost certain exposure acts as a deterrent. In the rare cases where the husband kills an unfaithful wife, the feeling is not that of betrayed love, but of fury that his property has been interfered with, coupled with rage at the disgrace. The practice amongst Hindus is to exclude from caste a husband whose wife commits adultery. The feeling of betrayed love is more apparent in the case of infidelity by a mistress. Taking a mistress is an adventure deliberately chosen. The wife is provided by the family. Therefore there is more passion in relations with a mistress.

These are three cases which came before me.

(i) An old Government weighman in Fatehgarh in the Province of Agra kept a mistress. He quarrelled incessantly with her, accusing her—I think with reason—of going with other men. One day after a quarrel he killed her with a knife, and then mutilated her body in a horrible manner. It was a distressing case, as he had been a steady, hard-working man.

(ii) The wife of a leper in the same place had left him, and become a prostitute. He followed her, and finally compelled her to return. He murdered her the same night.

(iii) A trooper in an Indian cavalry regiment, stationed at Meerut, became infatuated with a low-class prostitute. He resigned from the army, and set up a shoe shop opposite her house. He regarded her as his sole property, and spent his earnings on her. He discovered a man whom he knew was visiting her. He remonstrated. The man laughed at him. One night the ex-trooper shot him. The murderer appeared to me rather a decent sort of man. The woman was by no means attractive from an English point of view.

## (3) MURDERS DUE TO FEUDS AND GRUDGES

I have never come across a blood-feud in the province, but other feuds end occasionally in murder. The history of a feud is usually long and involved. I divide them roughly into: A. Feuds over land. B. Feuds over interference with business or the enjoyment of property. C. Religious feuds.

A. I deal with agrarian murders in (4). There are also murders over heritage. There was one in the Gonda District of Oudh, in which a seemingly respectable landed proprietor planned to murder two nephews to obtain their property. He murdered one. The other escaped.

B. Feuds over business result frequently in vexatious litigation but seldom in murder. I remember, however, one atrocious instance. Two money-lenders in a village in the Meerut District were on the worst of terms in a business rivalry. The first planned to get his enemy convicted on a false charge of murder by introducing the corpse of someone who had been murdered into his house. This method is recognised by criminals in the Province. He hired two assassins, who finding an orphan boy without friends or relations in a distant village enticed him by promise of work and murdered him. Detection and convictions followed.

I did not try the following case, but while I was a Magistrate in 1897 I committed it for trial. The District was Saharanpur in the Province of Agra. A new "chaukidar" of the canal department—main duties distribution of water for irrigation—was sent to a village. His predecessor had levied unauthorised charges, but they had been considered reasonable, and he had shared the proceeds with the village accountant. The newcomer doubled the rates and gave the accountant nothing. So the latter worked up the proprietors of the village. After disputes in which the chaukidar got the best of it it was decided to murder him. One night when he was in his hut, the door was locked on him from outside, the hut was fired, and he was burnt alive.

C. During the first part of my stay in India religious feuds were not unknown, but they seldom led to murder. In the last few years they have become more frequent, more intense, and attended largely by fatalities. This was one in Lucknow—I think about 1924. Relations between Hindus and Muslims were bad and growing worse. An old Muslim beggar fell dead in the street one night. Rumour had it that he had been murdered by Hindus. There was no foundation for the suggestion, the old man having died from natural causes. Muslims collected in groups muttering and threatening. Next, they attacked Hindus at sight. Shops were closed, houses barricaded, business ceased in certain quarters. Finally British troops were sent, and order was

restored. There were several murders. This was the most pitiful. A Hindu cultivator who was visiting Lucknow for the first time was trying to get back unobserved to his lodging, was seen by a group of Muslims who chased him for half a mile, got him down and beat him to death.

Religious trouble is increasing in India. It is not only between Hindus and Muslims, but between sects of Muslims.

#### (4) AGRARIAN MURDERS

These are mass-murders by bodies of villagers. A. In attacks on unpopular land-owners or their servants. B. In faction fights.

A. There were not many of these until the anti-rent campaign of 1920. They have continued since. They resemble similar murders in Europe.

B. The dispute may be between two villages or between two factions in the same village. Boundary disputes are the commonest. It was not uncommon for the time and place to be fixed in advance. The place was usually the place of dispute. The sides would be equally matched—thirty or more, all prepared with their loin-cloths tightened (“loins girded”) and shoulders and heads protected with extra thick wrappings. The weapons were usually *lathis*. (See (1) iii). About two to five were usually killed, and many more disabled. Chances of conviction were slight as, both sides being equally to blame and their evidence equally unreliable, prosecutions failed for want of independent evidence.

I heard a case of unusual carnage from the Rae Bareli District in Oudh. Two related families of impoverished high-caste Hindus claimed the same small piece of thatching-grass. One morning the first family sent a servant—however impoverished a high caste man may be, he will have a more impoverished low-caste servant—to cut the grass ostentatiously. The second family sent two of their number. They drove away the servant and proceeded to cut the grass—even more ostentatiously. The first family sent their best fighting man. At once there was a *lathi* fight. The good fighting man held his own for a time, but the other two got him down at last, and hammered him to death, leaving hardly an unbroken bone. Others and others arrived on each side. Within an hour there were six or seven corpses, some twenty more maimed—certain were maimed for life—and after others were convicted there was hardly a working member left in the two families. The value of the grass was about twenty shillings. Value means nothing in these fights. I have known great injury in the fight for the fruit of a tree—worth six shillings. One remembers Dandie Dinmont, and the field that might feed two sheep in a good year.

### (5) OTHER MASS MURDERS

In addition to mass murders in religious feuds and agrarian troubles there are those in which the community removes a member whose existence is considered an affront. The following case which took place in the Meerut District never came to trial, but the facts as ascertained by the Superintendent of Police may be accepted. A low-caste villager ("untouchable") was afflicted with sexual instincts that impelled him to corrupt any woman of his own class who would permit him. He had good opportunities with widows and unmarried girls. But he aimed at higher things. He thought that, if he became a Christian, his status would be such that he could pursue high-caste women with prospect of success. So he became a Christian solely to attain that object. The village considered his case, and concluding that he was an insufferable nuisance who could only be reclaimed by death had him murdered. His corpse was thrown in an adjoining river and never seen again. As the whole of the village—including the dead man's widow—shared the general opinion it was found impossible to obtain evidence against anybody. All agreed that the man must have been murdered. No one had the haziest idea as to who had done it.

### (6) MURDERS FOR GAIN

These are common all over the world, and in this province present much the same features as elsewhere. They are usually committed by *badmashes*—professional criminals. There is, however, one form which is peculiar as far as I know to the East—the murder of little children for their ornaments. It is the practice of Indian parents to load their little girls and boys with bracelets, anklets, necklets, and the like. The total value is seldom more than a few shillings, but the temptation seems irresistible to some who are not professional criminals. I remember in the Farrukhabad District the case of a young married woman, whose respectability was unquestioned, enticing a little girl of five into her house and killing her for the sake of four shillings worth of ornaments. The articles seem to have a sort of appeal—apart from their value—to certain women, and even to men.

The most extraordinary case of habitual murder for gain that came to my notice was this. A stranger—possibly from his fair complexion a Persian—certainly not an Indian—appeared in Lucknow about 1915. He rented a cheap hut in a poor quarter for about three shillings a month, and lived there for two years with his wife and child. No one knew who he was or what he did. The woman never left the house. People began to disappear in the neighbourhood. Finally an old woman who hawked vegetables from door to door disappeared. She had on her ornaments worth about thirty shillings. She had last been

seen alive at the house nearest to this man's and it was known that he bought vegetables from her. The police searched his house. The corpse of the woman was found buried in it. Death was due to throttling. Further, some of the woman's ornaments were found hidden. The man was convicted and executed. I had it on good authority some time after his execution that he had said while in the condemned cell that he came from a far country and that he had supported himself for some years in India by going from town to town, murdering for what he could get. He added that his wants were few so he had not murdered as many as he might—it being his habit only to murder when the funds obtained from the last victim were running out. He was said to have added the gruesome detail that it was well known that if the killer drank the blood of the victim he would never be detected, and that he had in the past always opened a vein and drunk some blood until he killed the old woman, when he had through carelessness omitted to do so. It was never discovered who he was or where he had come from. I don't know what happened to the wife and child. This story goes to bear out the suggestion that there are many unknown murders in India.

I remember two murders of this class, which were discovered by the merest accident.

A village widow in the Farrukhabad District picked up with a young man. There was a scandal, and her family discarded her. The young man cared nothing for her but was interested in her jewellery and cash, which he gradually obtained from her. When the store was coming to an end, she went to another village with what was left. It was not the case that the man wanted to get rid of her and could not, for she was apparently not returning. He clearly wanted her remaining ornaments, for he followed her to the village and by telling her untruthful stories persuaded her to return. They reached the outskirts in the dark. He throttled her, took such ornaments as she had, and threw her corpse into a well used for irrigating the fields. The season being over, it was not likely to be used for some months. In that event the body would have been so decomposed on discovery as not to be identifiable. By an exceptional chance, however, the day after or the day after that—I don't remember which—an Indian surveyor who was working in the vicinity wanted a drink. He sent a cooly to fetch him water. The cooly went to this well out of several wells and saw the body in the water. When taken out it was still identifiable. The ornaments were found in possession of the man. Other evidence was obtained, and he was convicted.

The other case was that of a free-lance religious teacher at Benares, who preached celibacy amongst other tenets. He kept a mistress—many preachers of celibacy in India keep mistresses—but became tired of her. He discarded his old mistress and bought from another

Hindu religious teacher the latter's mistress. He came so much under the influence of this woman, that he transferred all his property to her on her undertaking to make him an allowance for life. That settled his fate. She, her brother, and her former paramour enticed him to an apartment in one of the rambling houses near the Ganges and cut his throat. The perpetrators were detected by a remarkable accident. With ordinary luck, the corpse would have been cremated by the river the same night when no one would have troubled to examine the neck.

#### (7) MURDERS BY DACOITS

“Dacoity” is gang robbery committed by a gang of five or more. Some gangs are permanent. Others are casual collections. The crime is prevalent in the province varying from 400 to double that number of cases in the year. Dacoits do not ordinarily murder but will do so if they meet with opposition in the robbery or the get-away. Organised gangs murder occasionally in revenge or to terrorise. Two headmen of villages were murdered in the Farrukhabad District at the beginning of the century by a gang which dominated a certain area for having given information to the police.

#### (8) MURDERS BY POISON

Poison is easily procurable in the province. Arsenic used to be sold without restriction. There have since been restrictions but they are easily evaded, and many poisons can be obtained from wild plants, and prepared by primitive methods. There are no qualified medical practitioners in most of the villages and not many in the towns. The common man depends on home treatment even on his deathbed. There are generally no post-mortems, or death certificates. In addition Hindus cremate the corpse within a short time of death—less than twenty-four hours. Further the symptoms from poisoning by arsenic—the easiest to obtain—resemble the symptoms of cholera. So poisoning is easy to effect, and hard to detect, and many murders by poison pass as natural deaths.

#### (9) HIRED ASSASSINS

The hired assassin, who seemingly came on a whistle in mediaeval Europe, is still easily procurable in India. I referred to an assassin murder in (3)B. The following is more striking.

Two years before the last war, this murder occurred in Agra. It had been preceded by another. A married Anglo-Indian assistant surgeon in the military department called Clark contracted an illicit intimacy with the wife of an Anglo-Indian employee in the Accounts Department called Fulham. They wished to marry. Fulham was in poor health. Clark was his attendant. He dosed him gradually with arsenic.

Fulham died and Clark signed the death certificate which is usual for Europeans and Anglo-Indians although not for Indians. Mrs. Clark remained. It was apparently considered better not to poison her, so Clark determined to employ assassins. He was living at the time in a house in Agra Cantonment, where he employed a low-caste "bearer"—or body servant. He directed the bearer to go to the Agra City bazar and find some murderers. The bearer returned in a very short time—if not the same day, the next day—with four men who agreed to murder Mrs. Clark for a fee of thirty shillings each—fifteen shillings in advance and fifteen shillings on completion. Clark went out one night. In his absence the men broke into the house and murdered Mrs. Clark. The facts came out. Fulham's body was exhumed. Clark and some of the others were convicted and hanged. Mrs. Fulham was convicted, but, as she was with child by Clark, received a life sentence. She died in prison a few years afterwards.

Clark was an Anglo-Indian not in touch with the underworld, and apparently not in touch with Indians outside his own subordinates and servants. The bearer had no contacts. But in a very short time the four murderers were present.

#### (10) CONCLUSION

Judges in original murder trials in India have little opportunity of effective study of personalities or conditions. Sitting in appeal they have less. To take a concrete case. I remember the ex-trooper at Meerut—(2) iii. He came from an immigrant Pathan family in the Bulandshahr District of Agra, probably descended from a professional soldier of the eighteenth century. Evidence was given that his character in the army had been satisfactory. He had lived in Meerut since his discharge like any other small shopkeeper. He had probably hardly ever seen a doctor and certainly had no medical history. That was all I could discover, and no Judge could have discovered much more.

While there is thus little that a Judge can do towards scientific investigation I can suggest a generalism on one aspect of certain Indian murderers' mentality. Where the murder has been committed in a violent outburst of temper, there is a hot fit, which may last some days. During this period there is often an overwhelming desire to unburden. The result is a confession. The hot fit is succeeded by a cold fit, when the murderer sees he has been unwise. The confession is then withdrawn. I have seen very many instances. This is one.

A labouring man in Lucknow who lived in a quarter the other side of the river Gumti kept a mistress. There were frequent quarrels. One night he knifed her in their hut. He went to the river, washed and threw the knife which he had used into the water, then crossed by a bridge and got into the gardens of the old Residency deserted by

night, and popularly reputed to be haunted. After sitting alone for a time, he took the road which led past the Chief Court, and approached the police sentry at the gate with this remark—"Where are men hanged? I want to go there." The sentry considered this ill-timed pleasantry and answered accordingly. The man insisted that he had just killed a woman and wished to give himself up. The sentry detained him until the relief arrived. The man was then taken to a police station whence he conducted officers to the hut, showed them the corpse, and showed the place where he had thrown the knife in the water. Next morning he made a full confession before a Magistrate. That was the hot fit. When brought to trial, he withdrew and denied the confession and said that he did not know the woman and had no knowledge of her death. That was the cold fit.

As far as I know there have so far been no investigations, of the nature contemplated by the Cambridge Committee, into murders in India, nor do I know of any officer or organisation in India qualified to give assistance. There will, however, be no dearth of material in respect to homicide. In the United Provinces less than half the murders came into Court. The remainder never get there from want of evidence. Convictions are obtained in six prosecutions out of ten. About a hundred a year of those convicted are executed. The rest receive "life" sentences—usually terminated after twelve years—on conviction, the Code permitting the trial Judge to pass the lesser sentence, or by reduction of sentence on appeal, or by the mercy of the Crown. But after these eliminations there is a large residue. In 1929 I had occasion to take exact figures and found 1693 convicts convicted of *murder* in the jails of the Province. In addition there were 968 convicted of the equivalent of manslaughter. In 1926—I have no later figure—the number of convicts in convict prisons in England and Wales convicted under *all heads* was 1555.

*Note by A. CAMPBELL*

What Sir Louis Stuart says about murders in the United Provinces applies very fairly to the Punjab also. But murder is rather a dull subject, and Sir Louis is quite right in saying that Judges in Indian murder trials have little opportunity of studying personalities or conditions.

I believe there to be more murders and more executions for murder in the Punjab than in the United Provinces. Many are undetected, and many are untraced. Yet many are dealt with and tried as cases of culpable homicide, because the Courts empowered to try murders are choc a bloc with murder cases already. I do not know the present-day proportions of acquittals, convictions and executions in the cases brought to trial, but many guilty persons are acquitted, and the wrong man is practically never hanged.

The procedure is (1) a detailed police investigation; (2) a proceeding before a magistrate, who is empowered to discharge, at which the prosecution evidence is heard and recorded in full; (3) trial before a Sessions Judge, who, though "assisted" by four Assessors, combines the functions of both Judge and jury; (4) if a death sentence is passed, whether there is an appeal or not (though there always is) an exhaustive examination of the whole proceedings by two Judges of the High Court; (5) if a death sentence is confirmed by the High Court, a petition for mercy to the Local Government or to the Government of India is frequently made; (6) if a conviction is upheld by the High Court, attempt is often made to induce the Privy Council to admit an appeal.

It is a standing order that in (3) and (4) an accused or convicted person must be represented by counsel, engaged and paid for by Government, if he has not provided himself with counsel.

In the Punjab there is an almost total lack of any sense of public spirit in support of law and order. A crime is the business of the police and the victims of it, and of no one else. It is thus exceedingly difficult to get anyone to go into the witness-box, unless he has already got a grudge against the accused person. And perfectly genuine cases repeatedly are bolstered up by evidence concocted, either by the friends of the victim or by the police, sometimes merely because it is felt to be a scandal that a person whom everyone knows is guilty should not be brought to trial.

The law of procedure also forbids any confession made to a police officer to be proved in court, and also forbids anything said by anybody to a police officer in the course of an investigation to be so proved for any purpose whatsoever, except in certain cases for the contradiction of a prosecution witness. No such statement can be used to corroborate a prosecution witness, or to corroborate or contradict a defence witness.

Thus, if the number of persons hanged in the Punjab horrifies the reader of statistics, as it used to, the deceased, at any rate, have had a fair run for their money. I have known cases where Government, on receiving a petition for mercy, has arrogated to itself the functions of a court of appeal, has gone behind the findings of fact by the High Court, and has directed further investigation and report by the District Magistrate, who is subordinate judicially not only to the High Court, but to the trial court, the Sessions Judge.

The apparent explanation of nearly all the murders with which I have had to deal is the "hot fit" described by Sir Louis Stuart, combined with a certain callousness about human life. Most of these cases have been merely sordidly dull.

More interesting subjects would seem to be:

(1) *Thuggi*, which, however, is obsolete, and which is probably

covered pretty fully by the published reports of the Thuggee and Dacoity Department of the 40's of the last century. The half-expected reappearance of this phenomenon does not seem to have taken place, and the present days of motors all over the Indian roads would seem to be against it.

(2) *The Making of a Modern Dacoit.*—As Sir Louis Stuart says, some gangs are permanent, others are casual collections. But an epidemic of dacoity in an area is a scourge most heartily dreaded by the respectable inhabitants. If the offence under trial in a Sessions Court is dacoity, the Assessors always say guilty, whatever the evidence. Most of the Indian Army is recruited in the Punjab villages. At certain seasons work in the fields is slack. There are no organised games, no inter-village Saturday football matches or the like to occupy the energies of the young and enterprising. One result is battles over land or irrigation leading to what Sir Louis Stuart calls "agrarian murders". Another is the formation of casual gangs of dacoits.

But the real mischief is done by the permanent gangs, and to trace the steps by which a decent young Sikh cultivator gets tangled up with one of these gangs and becomes a member and a participant in its really considerable atrocities would be interesting.

(3) *The Indian Criminal Tribes.*—The primary basis of caste, says Sir Denzil Ibbetson, is occupation. In India there are tribes whose hereditary occupation is crime, and whose members owe it as a duty to their community to live a life of crime. One might ask how this fact is going to fit into schemes for something like universal suffrage in India, but a more immediately pertinent question is why is this so, and how long is it going to last?

It is exceedingly difficult to get any information about these people. They might be compared with a less mischievous, but almost equally mysterious race, the tinkers of the Highlands of Scotland, about whom those of the ordinary population, seemingly nearest to them in the social scale, know less than anyone else. Practically all that we magistrates know about the Criminal Tribes is that we have got to administer the Criminal Tribes Act of 1924, the provisions of which ensure a pretty "raw deal" for any member of a Criminal Tribe brought before us.

The Act gives the Local Government power to notify as a Criminal Tribe any tribe, gang or class of persons; to restrict it in its movements and residence to a specified area; or to move it to another place, even to another Province. No Court can question either the legality or the propriety of such a notification. Failure by a member of a criminal tribe to furnish information about himself, to submit to his finger prints being taken, to remain in the area to which he is restricted or to obey a host of other rules is punishable with various degrees of imprisonment. On second conviction of one of certain scheduled offences

(e.g. burglary), he must be imprisoned for seven years. On third conviction he must be transported for life. He is liable to be placed by Government in an industrial or reformatory settlement, and his children may be taken from him and placed in some other institution. A duty, neglect of which is punishable as a criminal offence, to keep an eye on him is laid on every village headman or watchman in the village where he lives. Most of these people are by instinct nomads. Their criminal tendency is mainly towards petty theft, though it is believed that they would readily become highway robbers, unless sternly repressed. They are ranked in the lowest social class with scavengers and other menials. Many of them are hunters of wild animals, clean and unclean, and eaters of vermin and even carrion. In the past thirty years or so, some of them have been taken under the wing of the Salvation Army, planted into industrial settlements and turned into weavers, etc. How far this "uplift" has gone I do not know, but there must be literature on the subject, for there is now, I believe, a Criminal Tribes Department and an annual report.

The popular idea seems to be that these criminal tribes are aborigines. Whether their criminal propensities are due merely to the predatory instinct of an uncivilised community, or whether to something more in the shape of a "cult", I do not know. Any Indian subordinate in my time would have given the former answer to a question —without really knowing anything about the matter.

I served nearly forty years ago in the same district as a European police officer born and largely brought up in India. He was recognised as an authority on these people, and he told me that there was no doubt that the Sansis (one of the principal tribes) were identical with the gipsies of Europe. This is or was a favourite theory with many people.

On this subject in general it would not be possible to get information based on experience about "India". India is a continent of nations, and conditions differ in the various Provinces and States. The Punjab peasant possesses (a) the fighting spirit and (b) a great respect for the law, or at any rate the letter of the law. These combine to give him a passion for litigation, and the ultimate result is that feuds are often prosecuted by resort to the criminal courts with innumerable false complaints of alleged criminal offences. Such a propensity may provide a useful safety valve sometimes, but the sifting of the accusations wastes an enormous amount of magistrates' time.

2. SUMMARY OF RECOMMENDATIONS FROM THE  
"REPORT OF THE INDIAN JAIL COMMITTEE,  
1919-20" [Cmd. 1303], 1921, Chap. XXIII, p. 332-388.

683. The following is a summary of our recommendations:—

(a) CHAP. III.—GENERAL PROPOSITIONS AND SCHEME  
OF REPORT

(1) As far as possible, the superintendence of prisons should be in the hands of trained whole-time experts, (paragraph 16).

(2) The prison staff, from the jailor down to the warder, should be recruited with care, properly trained, and paid a salary sufficient to secure and retain faithful service, (paragraph 17).

(3) It is essential to provide that prisoners in jail shall be so classified and separated that the younger or less experienced shall not be contaminated and rendered worse by communication and association with the older or more hardened offenders, (paragraph 18).

(4) Prisoners, while in prison, should be brought under such influences as will not only deter them from committing further crime, but will also have a reforming influence on their character, (paragraph 19).

(5) It is very desirable, as far as practicable, to help such prisoners as may need assistance on their release from prison, so that they may be given a reasonable chance of securing an honest living, (paragraph 20).

(6) All possible measures should be taken to avoid commitment to prison, when any other course can be followed without prejudice to the public interest, (paragraph 21).

(7) The question of reducing the economic waste which is involved in imprisonment, by providing for the revision of sentences in suitable cases after a certain minimum period has been undergone, is worthy of close consideration with a view to its application to Indian conditions, (paragraph 22).

(b) CHAP. IV.—INSPECTION AND SUPERINTENDENCE  
OF PRISONS

(8) A strict limit should be imposed on the number of prisoners collected in one prison; as a matter of principle the maximum should be fixed at 1,000, but for the present the maximum accommodation in any jail should not exceed 1,500, (paragraph 26).

(9) Subject to this maximum, the concentration of prisoners in central jails is desirable, (paragraph 27).

(10) In all Provinces the possibility of closing as many district jails as possible and of collecting prisoners in central jails should be carefully considered, (paragraph 27).

(11) In most Provinces a larger number of central jails is required, (paragraph 28).

(12) In future there should be only one class of central jail, (paragraph 29).

(13) Every central jail should be in charge of a whole-time superintendent, (paragraph 29).

(14) For all district jails with an average population of 300 and upwards there should be a whole-time superintendent, (paragraph 33).

(15) Superintendents of district jails may sometimes be selected from among jailors of central jails; it should be understood that the officers so selected should be picked men and should not be promoted as a mere matter of seniority, (paragraph 34).

(16) Such promotion is more appropriate than the appointment of jailors to the post of deputy superintendent in charge of manufactures, which is not generally recommended, (paragraph 35, *vide* also paragraphs 80 and 212).

(17) Where no suitable jailor is available for the post of superintendent of a district jail, recourse should be had to other departments, military assistant surgeons being particularly suitable, (paragraph 36).

(18) A suitable rate of pay for a whole-time superintendent of a district jail would be Rs. 500, rising by annual increments of Rs. 25 to Rs. 750, (paragraph 37).

(19) When the whole-time superintendent of a district jail is not recruited from the Medical Department, the civil surgeon, or the assistant surgeon attached to the civil hospital should be in medical charge of the jail, (paragraph 38).

(20) The allowance for the medical charge of a district jail, when entrusted to the civil surgeon, should be fixed at Rs. 100 a month for jails with an average population of 300 and under 500, and at Rs. 200 a month for jails with an average population of over 500, (paragraph 38).

(21) When both administrative and medical charge of a district jail is in the hands of the civil surgeon, the allowance should in all cases be Rs. 200 a month, (paragraph 38).

(22) When the civil surgeon in charge of a district jail proceeds on tour, the charge of the district jail should be entrusted to the assistant surgeon of the station, (paragraph 39).

(23) If, as a result of the Government of India Act, 1919, the civil surgeon's duties are largely reduced, it may be feasible for him to retain charge of the district jail, and he should in that case be placed, as far as possible, in the position of a whole-time superintendent and should reside at the jail, (paragraph 40).

(24) The present system of recruiting superintendents of central

jails from the Indian Medical Service and of giving them combined executive and medical charge should be continued; but a fair proportion of central jail superintendencies should be reserved for district jail superintendents, medical or non-medical, (paragraph 43).

(25) The post of Inspector-general of Prisons should be filled by selection from superintendents of central jails, whether medical or non-medical, (paragraph 44).

(26) With a view to securing uniformity in important matters of jail administration, there should be every alternate year a conference of the Inspectors-general of Prisons, to which selected jail superintendents and non-officials interested in jail administration might be invited, (paragraph 45).

(27) Before a person without previous jail service is appointed a wholifetime superintendent he should receive a thorough training for six months under a selected central jail superintendent, (paragraph 46).

(28) The rules relating to study leave should be extended, so as to enable a jail superintendent to devote leave out of India to the study of jail questions in Europe or the United States of America, (paragraph 47).

(29) Two Members<sup>1</sup> of the Committee consider that in every large jail there should, as in other countries, be a separate superintendent and a separate medical officer, (paragraph 48).

(30) Two other Members<sup>2</sup> of the Committee consider that in all cases it is desirable that the offices of superintendent and medical officer should be combined in one person, (paragraph 49).

(c) CHAP. V.—PRISON ESTABLISHMENT

*Section I.—Executive and Clerical Staff*

(31) The prison establishment should be divided into two branches, executive and clerical, which should be separately recruited, (paragraph 50).

(32) The executive branch should be divided into two classes, jailors and deputy jailors, (paragraph 51).

(33) Recruitment for the executive branch should commence ordinarily at the grade of deputy jailor, though direct appointment to the grade of jailor should not be prohibited, (paragraph 51).

(34) It is essential for jailors to be acquainted with one of the chief vernaculars of the Province, (paragraph 51).

(35) The present pay of the jailor class is insufficient and should in no case be less than Rs. 200 and should rise to at least Rs. 450 a month, (paragraph 52).

<sup>1</sup> D. M. Dorai Rajah of Pudukottah and Mr. Mitchell-Innes.

<sup>2</sup> Colonel Jackson and Sir Walter Buchanan.

(36) In future, jailors should be gazetted officers, (paragraph 52).  
 (37) The practice of ordering excessive recoveries from jailors should be prohibited, (paragraph 53).

(38) Jailors should, as far as possible, be relieved of clerical work, (paragraph 54).

(39) In all Provinces the rules relating to the jailor's duties should be carefully revised so as to restrict them within such limits as are possible of performance, (paragraph 54).

(40) Jailors should, as far as possible, be relieved of responsibility for the maintenance of accounts and registers, (paragraph 54).

(41) There should be two grades of deputy jailor, the lower starting on not less than Rs. 75 and rising to Rs. 100, the higher starting on Rs. 100 and rising to Rs. 150, (paragraph 55).

(42) A deputy jailor should be provided in every central and district jail, (paragraph 55).

(43) In the smaller district jails the deputy jailor should be required to perform the clerical duties of the jail, in addition to those which devolve on him as the jailor's executive assistant, (paragraph 55).

(44) The clerical staff of a jail should consist of clerks, accountants, and store-keepers, (paragraph 56).

(45) The head clerk should be competent to take over part of the jailor's duties and should be remunerated accordingly, (paragraph 56).

(46) The clerical staff should ordinarily not be eligible for promotion on the executive side and therefore their scale of pay should be sufficiently liberal to afford them a fair prospect of promotion, (paragraph 56).

(47) The members of the jail clerical staff should be eligible for transfer to the office of the Inspector-general, (paragraph 56).

(48) The rate of pay might commence at Rs. 50 and rise by grades to about Rs. 150 per mensem, with a few appointments on higher pay, (paragraph 56).

(49) There should be a store-keeper in every large manufacturing jail, (paragraph 56).

(50) In jails where any large number of Europeans is received, there should be an adequate staff of European warders, (paragraph 58).

(51) In each jail a recreation room should be provided for the staff, (paragraph 59).

(52) All officers newly employed in the Department should undergo a reasonable period of probation and training, (paragraph 60).

(53) The rule in force in the United Provinces requiring the superior jail officers to be on duty at night as well as throughout the day should be modified, (paragraph 61).

*Section II.—Warder Establishment*

(54) A better class of warder is essential and therefore a higher scale of pay should be granted, (paragraph 63).

(55) The scale of pay of the warder establishment should be distinctly better than that of the Police, (paragraph 64).

(56) Where local allowances are granted to other departments they should also be granted to the warder establishment, (paragraph 64).

(57) Family quarters should be provided at the jail for the whole staff, (paragraph 64).

(58) At least once in three years every warder and head warder should, if leave can be granted, be furnished with a return ticket to the railway station nearest his home, (paragraph 65).

(59) A small hospital ward should be provided outside each jail for the benefit of the warder staff, (paragraph 65).

(60) The security deposits of deceased warders should be paid promptly and free of cost to their legal representatives, (paragraph 65).

(61) Fines from warders and head warders should not be credited to the State, but should be held by the superintendent for the benefit of the warder establishment generally, (paragraph 65).

(62) There should be a chief warder in every central jail, (paragraph 66).

(63) The police should be relieved of any part of the guarding of central and district jails, (paragraph 67).

(64) Apart from any increase in work which may result from the recommendations of the Committee, the warder establishment is even now much under-manned and greatly needs strengthening, (paragraph 68).

(65) The strength of the warder establishment should be based on the average prison population, (paragraph 69).

(66) A warder should not be required to do more than ten hours' work a day and should be allowed at least four nights in bed each week, (paragraph 69).

(67) A leave reserve should be maintained to prevent the frequent employment of temporary men, (paragraph 69).

(68) The circle reserve system existing in Bengal is worthy of consideration elsewhere, (paragraph 70).

(69) The duty of guarding condemned prisoners should be everywhere undertaken by the warder staff and not by the police, (paragraph 70).

*Section III.—Medical Staff*

(70) A separate jail subordinate medical service is not advisable, but some improvement in the method of transferring sub-assistant surgeons to jail duty is desirable, (paragraphs 71 and 72).

(71) Every sub-assistant surgeon in the Medical Department who has done two years' service should be put on a roster from which men should be transferred for service in jails, (paragraph 73).

(72) Every sub-assistant surgeon so transferred should be placed unconditionally at the disposal of the Inspector-general of Prisons, by whom he should be posted and transferred and by whom, within certain limits, he should be liable to be punished, (paragraph 73).

(73) The sub-assistant surgeon should be transferred for service in the Jail Department for a definite period and should not be withdrawn without the consent of the Inspector-general of Prisons, (paragraph 73).

(74) No sub-assistant surgeon should ordinarily be liable to serve a second term in the Jail Department, (paragraph 73).

(75) Every sub-assistant surgeon serving in the Jail Department should be entitled to an allowance, to cover all the disabilities attached to jail service, varying from Rs. 30 to Rs. 70 per mensem according to grade, (paragraph 74).

(76) The Inspector-general of Prisons should be given a lump sum from which he may grant reward-allowances to sub-assistant surgeons, for special diligence or exceptionally good service, varying from Rs. 15 to Rs. 30 per mensem according to grade, (paragraph 74).

(77) In every jail, quarters not inferior to those provided in the Medical Department should be provided for the sub-assistant surgeons, (paragraph 74).

(78) There should generally be at least one whole-time medical sub-ordinate in each central and district jail, (paragraph 75).

(79) The number of sub-assistant surgeons should vary with the population as follows:—

- (a) district jails with an average population of not more than 800 should have one sub-assistant surgeon and one compounder;
- (b) district jails with an average population exceeding 800 should have two sub-assistant surgeons and one compounder;
- (c) central jails with an average population of not more than 1,500 should have two sub-assistant surgeons and one compounder;
- (d) central jails with an average population exceeding 1,500 should have three sub-assistant surgeons and one compounder;
- (e) no compounder is necessary in a jail with an average population below 300, (paragraph 76).

(80) The compounder should draw Rs. 5 in excess of the rate paid in the local hospital, (paragraph 76).

(81) Except in strictly professional matters, the sub-assistant surgeon should be subject to the authority of the jailor, (paragraph 77).

(82) Where a jail staff includes an assistant surgeon, he should

receive allowances of corresponding amount to those recommended for the sub-assistant surgeon, (paragraph 79).

*Section IV.—Technical Staff*

(83) In each large manufacturing jail an expert deputy superintendent, thoroughly trained in the special industry of the jail, should be employed, (paragraph 80).

(84) Where local conditions render it impracticable to develop a single large industry, reliance must be placed on trade instructors, who should be paid salaries sufficient to secure really competent men, (paragraph 81).

(85) In addition to the professional staff already mentioned, the Inspector-general of Prisons should have a technical assistant, (paragraph 82).

*(d) CHAP. VI.—CONVICT OFFICERS*

(86) The extent to which convict officers have been employed in Indian prisons is excessive and should be reduced, (paragraph 84).

(87) The duty of guarding prisoners in cells and dormitories at night should be entrusted only to paid officials, and no convict officer should be outside his barracks at night, (paragraph 86).

(88) No convict officer should have *independent* charge of any file, gang, or other body of prisoners, (paragraph 87).

(89) There should in future be two grades of convict officers only, *viz.*, the convict night-watchman and the convict overseer, (paragraph 88).

(90) The rules regulating promotion to convict officer, and the duties and privileges of that class should be uniform in all Provinces, (paragraph 90).

(91) Convict officers employed in yards or barracks reserved for simple imprisonment prisoners should be drawn from the ranks of such prisoners, (paragraph 91).

(92) Non-habituals should not be employed as convict officers in charge of habituals, (paragraph 92).

(93) Habituals may be employed as convict night-watchmen in habitual barracks at night, but should not be promoted to any higher grade, (paragraph 92).

(94) Paid warders should be in charge of habitual gangs and workshops, (paragraph 92).

(95) Convict officers of all grades should be exempt from liability to wear the ankle-ring and fetters, (paragraph 93).

## (e) CHAP. VII.—CLASSIFICATION AND SEPARATION OF PRISONERS

*Section I.—The Habitual Convict*

(96) Separate jails should be set apart for habitual prisoners, (paragraph 98).

(97) The existing definition of "habitual" needs revision, (paragraph 101).

(98) In the revised definition the existence of one or more previous convictions, or of an order to find security under sections 110 and 118, Criminal Procedure Code, should be an essential condition of classification as a habitual, (paragraph 102).

(99) The Inspector-general of Prisons should be empowered to confine with habituals any non-habituals of depraved or vicious character, (paragraphs 103 and 110).

(100) The existing rule as to the authorities empowered to classify as habitual should be retained, (paragraph 104).

(101) Every prisoner should have an opportunity of showing cause against classification as a habitual before it is carried out, (paragraph 105).

(102) Draft of revised definition of the term "habitual" and of the rules as to the classification of habituals, (paragraph 107).

(103) A member of a criminal tribe should not be classed as a habitual without evidence of previous crime, (paragraph 109).

(104) An escape or attempt to escape from jail should not constitute a prisoner a habitual, (paragraph 111).

(105) Habituals should not be excluded from the remission system, (paragraph 112).

(106) The employment to be provided for habituals should be regulated in accordance with the principles laid down in Chapter IX of this Report, (paragraph 113).

(107) In the case of habituals, sleeping accommodation should be cellular, either *in toto* or to the extent of 30 per cent., (paragraph 114).

(108) The rule prohibiting the employment of any habitual as a convict officer should be maintained, subject to the exception mentioned in paragraph 92, (paragraph 115).

(109) A special prison should, if possible, be provided for female habituals, (paragraph 116).

*Section II.—The Non-habitual Convict*

(110) All non-habitual prisoners should be divided into two classes (a) Star and (b) Ordinary, (paragraph 121).

(111) The effect of Star classification should extend to sleeping accommodation, parades and labour, (paragraph 122).

*Section III.—Simple Imprisonment and Connected Questions*

(112) Simple imprisonment should be of two kinds, (a) without liability to labour, and (b) with liability to light labour, (paragraph 130).

(113) All simple imprisonment should be of class (b) unless a court, not being of a lower grade than that of a first-class magistrate, otherwise orders, (paragraph 130).

(114) Class (a) prisoners who do not elect to work should receive non-labouring diet, while other simple imprisonment prisoners should receive labouring diet, (paragraph 130).

(115) Except in regard to diet and remission, the existing rules regarding simple imprisonment should apply to both classes, (paragraph 130).

(116) Both classes should be allowed to possess and use their own books, in addition to those borrowed from the prison library, (paragraph 130).

(117) Any rule requiring a simple imprisonment prisoner who elects to labour to wear prison clothes should be cancelled, (paragraph 130).

(118) Where the usual scales of diet, clothing, bedding or labour are so unsuitable as injuriously to affect the health of any prisoner the medical officer should have power to recommend such modifications as he may consider necessary, (paragraph 131).

(119) No special treatment beyond that suggested in paragraphs 130 and 131 is necessary for, or should be granted to, political offenders, (paragraph 132).

*(f) CHAP. VIII.—SEPARATION AT NIGHT*

*Section I.—Introductory*

(120) The cubicles and cages at present in use in some Provinces are objectionable and should be removed, (paragraph 135).

(121) In most Provinces the existing supply of cells is insufficient and should be increased, so as to provide from 25 to 30 per cent. of cells in all jails, both for males and females, (paragraph 136).

*Section II.—The Opinion of the Members<sup>1</sup> in favour of the Principle of Association at Night*

(122) It is not necessary or desirable to confine in cells at night all prisoners during the whole term of their sentence, (paragraph 140).

<sup>1</sup> Colonel Jackson, Sir Walter Buchanan and D. M. Dorai Rajah of Pudukottah.

(123) The provision of cells for from 25 to 30 per cent. of the population of a jail will be sufficient, (paragraph 140).

(124) The cells should be of a much better type than those now existing, (paragraph 146).

(125) General jail discipline methods should be based on what is necessary to maintain a reasonable standard of discipline and exaction of labour from the average fairly conducted prisoner, (paragraph 147).

(126) To shut up a prisoner in a cell from 6 o'clock every evening till 6 o'clock the next morning for years together is an unnatural proceeding (paragraph 148).

(127) It is important that the idle time between 5.30 p.m. and the hour of sleep should be fully occupied by education, reading, etc., (paragraph 149).

(128) It is absolutely wrong to confine prisoners during the night for prolonged periods in cells in the Punjab, Sind (except Karachi) and in many other places in India, (paragraph 150).

(129) To recommend the adoption of cells with a motive of deterrence and severity would be contrary to the spirit and trend of the other recommendations made by the Committee, (paragraph 151).

(130) If the recommendations of the Committee regarding the classification of prisoners be carried out, there will be very little risk of contamination in association sleeping wards, (paragraph 152).

(131) If the sleeping wards are properly patrolled and contain not more than forty prisoners each, there is little risk of unnatural vice, (paragraph 153).

*Section III.—The Opinion of the Members<sup>1</sup> in favour of the Principle of Separation at Night.*

(132) The provision of separate sleeping accommodation for each prisoner at night should be regarded as an essential principle of jail administration, (paragraph 162).

(133) The provision of separate sleeping accommodation at night should not be confused with the cellular system in force in Belgium and other continental countries, which is not recommended, (paragraph 163).

(134) What is advocated is the British system, which confines prisoners at night in separate cells while allowing labour outside the cells by day, (paragraph 164).

(135) The view that to require a prisoner to sleep separately at night will injure his health or impair his brain is contradicted by experience, (paragraph 176).

(136) The system of separation at night is more deterrent to the average convict than the association system, (paragraph 177).

<sup>1</sup> Sir Alexander Cardew and Mr. Mitchell-Innes.

(137) The system of separation at night has both a reformative and administrative value, because it reduces the risk of contamination and facilitates the separation of castes and classes, (paragraph 178).

(138) The classification of prisoners is by itself an inadequate safeguard against contamination, which the association system encourages, (paragraph 179).

(139) The view that, where association exists, the best prisoners will reform the worst is untenable, (paragraph 180).

(140) The system of separation at night largely prevents the danger of unnatural vice, (paragraph 181).

(141) The association system, unlike the separate system, gives opportunities for all kinds of irregularities, (paragraph 182).

(142) The provision of a recreation room in each barrack, as suggested by some members, for utilising the period between locking-up and sleeping time, is only a *pis aller* and is not recommended, (paragraph 183).

(143) The view that the system of separation at night does not endanger health is supported, not only by the Jail Conference of 1877, but also by many witnesses, (paragraph 184).

(144) An improved type of cell is desirable, (paragraph 185).

(145) It is a doubtful economy to continue to build prisons on a principle which renders possible the spread of corruption; further, the guarding of cells is less expensive than the guarding of wards, (paragraph 186).

(146) Separation for all prisoners at night is necessary, because (i) the principle is accepted in Great Britain, the only country which has shown a large and progressive reduction in crime, (ii) it has been proved to be feasible and beneficial in India, (iii) it largely prevents corrupting conversation and contamination; (iv) it renders impossible unnatural vice, gambling and other abuses at night; and (v) it is more deterrent than the association system, (paragraph 187).

*Section IV.—The Opinion of the Member<sup>1</sup> who favours separation at night for some Classes of Prisoners and Association for Other Classes.*

(147) It is unnatural to impose idleness and solitude on a man for two or three hours each day and such treatment may produce an ill effect on his outlook and character, (paragraph 188).

(148) Accommodation for habituals and short-term non-habituals should be completely cellular; for long-term non-habituals cellular accommodation to the extent of 15 per cent. is sufficient, (paragraph 188).

(149) Cells should be better ventilated, and the medical officer

<sup>1</sup> Sir James DuBoulay.

should have power to make alternative arrangements, when extremes of heat render it advisable, (paragraph 188).

(150) A certain number of cells should be sufficiently lighted to enable any literate prisoners to read between lock-up and sleeping time, (paragraph 188).

(g) CHAP. IX.—JAIL LABOUR AND MANUFACTURES

(151) In the selection of prison labour the main object to be kept in view should be the reformation of the criminal, (paragraph 191).

(152) The principal mode of employment for long-term prisoners should be intramural, (paragraphs 195 and 225).

(153) The greater benefit to the prisoner will be conferred by giving him instruction in up-to-date methods of labour, and so fitting him for free life under modern conditions, (paragraph 196).

(154) To enable this to be effectively carried out, it is necessary that, as far as possible, attention should be concentrated in each jail on one or two main industries, (paragraph 197).

(155) It is necessary to provide a market for the goods so produced and, therefore, jail industries should be adapted to meet the needs of the consuming departments of Government; those departments should be compelled to purchase articles of jail manufacture where they are similar in quality to, and not of greater price than, those obtainable in the open market, (paragraphs 198 and 210).

(156) To produce goods similar in quality to those obtainable in the open market, power-driven machinery in jails is essential, and the existing restrictions on its use should be withdrawn, (paragraph 202).

(157) The use of power machinery in jails is justifiable, because it enables the prisoner to be given the class of labour best calculated to interest and instruct him, and to train him to habits of industry and application, and because it increases production and tends to give increased relief to the taxpayer, (paragraphs 204 and 210).

(158) Jail manufactures should be carefully chosen so as to do the least possible injury to private enterprise, and with this object they should avoid competition with weak and unorganised trades or budding industries, and should be directed to those channels in which large and organised industries are already in existence, (paragraphs 204 and 210).

(159) Though sale to the general public cannot be prohibited, it should be reduced to a minimum, and jails should not issue public advertisements, (paragraph 210).

(160) There is no objection to the maintenance of price lists and catalogues of jail products; these should, as far as possible, be sold at a central dépôt, (paragraph 210).

(161) The employment of large jail populations continuously on manual labour is often uneconomical and has a deadening effect on the prisoners (paragraph 211).

(162) Expert supervision should be provided in every jail where prison manufactures are carried on on a large scale, (paragraph 212).

(163) The price of jail-made articles should follow as closely as possible the market rate, (paragraph 213).

(164) In order to exhibit the true financial effect of jail manufacturing operations, annual statement XII A should be substituted for annual statement XIII, which should be abolished, (paragraph 213).

(165) An early opportunity should be taken, at the periodical conferences of Inspectors-general, to introduce a greater measure of uniformity in the tasks exacted in the various Provinces, (paragraph 214).

(166) The employment of convicts on local outdoor work for municipal or other local bodies should be discontinued, (paragraph 217).

(167) The employment of convicts on large public works should be attempted only when climatic conditions are favourable and when the work is concentrated at a single place and will last for at least ten years, (paragraph 219).

(168) When prisoners are employed on large public works, proper buildings should be erected for the accommodation of the prisoners, proper separation of habituals from casuals should be secured, and for the most part the ordinary discipline of a permanent jail should be adhered to, (paragraphs 220 and 221).

(169) Under the above conditions and safeguards, the construction of jail buildings is a suitable employment for convicts, (paragraph 222).

(170) Though agricultural prisons would be appropriate to India, the climatic and other conditions which must be fulfilled in order to make this method of employment a success, greatly restrict its application, (paragraphs 223 and 224).

#### (h) CHAP. X.—PRISON DISCIPLINE

##### Section I.—*Prison Offences and Punishments.*

(171) The principles established by the Conference of 1892 that every offence committed by a prisoner must be dealt with by the superintendent of the prison, and not by any subordinate authority, and that every punishment must be recorded in the punishment book, should be maintained, (paragraph 226).

(172) The award of corporal punishment should be restricted to mutiny or incitement to mutiny, and to serious assaults on public servants or visitors, (paragraph 227).

(173) In every case of corporal punishment a special report (based on the record in the punishment book), should be promptly submitted to the Inspector-general of Prisons, (paragraph 227).

(174) In order to prevent undue laceration of the skin, a piece of thin cotton cloth soaked in some antiseptic solution should be spread over the buttocks of the prisoner during the infliction of the flogging, (paragraph 228).

(175) The "drawing stroke" which is calculated to lacerate the flesh, should be prohibited, (paragraph 228).

(176) The cane used in the infliction of corporal punishment should be half an inch in diameter, (paragraph 228).

(177) The punishment of "standing handcuffs" should only be inflicted:—(a) after a prisoner has been examined by the medical officer and pronounced to be fit to undergo the punishment; (b) for not more than four consecutive days at one time and for not more than ix hours per diem, with an interval of at least one hour after threes shours have been undergone; and (c) in cases where the prisoner ha been guilty of repeated and wilful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy, (paragraph 230).

(178) The maximum period for which link-fetters and bar-fetters can be continuously imposed should be reduced to three months in each case, (paragraph 231).

(179) The maximum period of separate confinement that may be awarded at one time should be reduced to three months, (paragraph 232).

(180) The prison punishment of solitary confinement should be abolished, (paragraph 212).

(181) No prisoner, while undergoing the punishment of penal diet, should be required to do either hard or medium labour, but he should be liable to perform such light form of labour, and for such number of hours daily, as the medical officer may, in each case, approve, (paragraph 233).

(182) When a prisoner is placed, as a punishment, on some more irksome or severe form of labour, the period for which he is to be retained on this labour should be fixed, (paragraph 234).

(183) The following punishments (in addition to those mentioned in section 47 of the Prison Act) should not be awarded in combination for a single offence:—(a) penal diet with standing hand-cuffs, (b) cross-bar fetters with standing hand-cuffs, and (c) cross-bar fetters with bar-fetters, (paragraph 235).

(184) The restrictions imposed by section 47 on the award of punishments in combination for a single offence should apply to the award of punishments in combination for more than one offence, if the award is made at the same time, (paragraph 235).

(185) The following punishments should not be carried out in combination, even when awarded at different times for different offences:—(a) penal diet with whipping, (b) penal diet with standing

hand-cuffs, (c) standing hand-cuffs with cross-bar fetters, and (d) cross-bar fetters with bar-fetters, (paragraph 235).

(186) Talking should be an offence at all parades and at any time when forbidden by an officer of the prison; and singing and loud talking should be an offence at all times, (paragraph 236).

(187) Certain minor amendments should be made in clauses (4), (5), (6), and (25) of the rules regarding offences, (paragraph 237).

*Section II.—The Use of Irons as a Means of Restraint and for Security.*

(188) The rules and practice of the United Provinces regarding the safe custody and fettering of convicts sentenced to transportation should be thoroughly revised, so as to bring them into conformity with those in force in other Provinces, (paragraph 238 to 241).

(189) Prisoners inside a jail should not be fettered as a means of restraint, except on the ground that they are dangerous or violent or have attempted to escape or made preparations for escape, (paragraph 242).

(190) If the superintendent imposes fetters on any prisoner as a means of restraint, he should make a written record of the fact, (paragraph 242).

(191) The use of fetters in the case of (a) prisoners employed on jail premises but outside the main gate, and (b) prisoners who are sent beyond the jail premises, should be avoided; prisoners should not habitually be marched through the public streets in fetters, (paragraph 243).

(192) The use of the belchain should be prohibited, except as a purely temporary measure when men are placed in insecure huts or tents outside a jail, and even then should be restricted as far as possible, (paragraph 244).

(193) The practice in Burma of confining prisoners undergoing quarantine in a building outside the main wall so insecure as to necessitate the use of the belchain should be discontinued, (paragraph 245).

*Section III.—Outbreaks and Escapes.*

(194) The amount of reward for the recapture of an escaped prisoner should not depend on the length of the prisoner's sentence, but on the circumstances of the escape and recapture, (paragraph 246).

(195) The superintendent of a jail should have power to sanction a reward for recapture up to Rs. 100 in each case, and the Inspector-general of Prisons up to Rs. 250, (paragraph 246).

## (i) CHAP. XI.—REFORMATORY INFLUENCES IN PRISONS

*Section I.—Remission.*

(196) Remission should be extended to sentences of six months and over, (paragraph 248).

(197) The amount of remission which an ordinary convict can earn should be two days a month for conduct and two days a month for industry, (paragraph 249).

(198) A prisoner who is unable to labour for reasons beyond his own control should, under certain conditions, be entitled to ordinary remission, (paragraph 250).

(199) Forfeiture of past remission, and exclusion from future remission, should be inflicted only with the sanction of the Inspector-general, (paragraph 251).

(200) In the rule which entitles a prisoner to 15 days' extraordinary remission for a year's continuous good conduct, the period should count from the first day of the month following the date of the prisoner's last prison punishment or sentence; and offences punished merely with a warning should not be regarded as interrupting such period of good conduct, (paragraph 252).

(201) It should be made quite clear that special remission may (with one exception) be granted, whether the prisoner is entitled to ordinary remission or not, (paragraph 253).

(202) The classification of life convicts for the purposes of the remission rules should be in all cases dealt with by the convicting court, (paragraph 254).

*Section II.—Gratuities to Prisoners in Prison.*

(203) A prisoner in jail has no right or claim to be paid for his labour, but as an incentive to industry should be granted a reward for extra work, (paragraph 258).

(204) This reward should take the form of a money gratuity for any outturn in excess of the fixed task, in proportion to the excess turned out, (paragraph 259).

(205) In certain cases a higher outturn should be demanded before gratuity can be earned, (paragraph 260).

(206) The superintendent should be empowered in certain circumstances to grant gratuity to any individual prisoner not on tasked work, (paragraph 261).

(207) The prisoner should be allowed to dispose of his gratuity at his discretion, subject to certain limitations, (paragraph 262).

(208) The experiment of allowing a prisoner to spend one half of his gratuity in buying, through the jail authorities, approved comforts should be tried in selected jails in each Province, (paragraph 263).

*Section III.—Interviews and Letters.*

(209) Interviews and letters are a valuable reformative influence and the rules on the subject should be made as liberal as possible, (paragraph 265).

(210) The rules regarding interviews and letters should be uniform throughout India, (paragraph 267).

(211) A prisoner should be allowed, provided his conduct is good, to have an interview or to send and receive a letter once in three months, (paragraph 268).

(212) The superintendent of the jail should be invested with full discretion to allow interviews and letters more frequently whenever, in his opinion, sufficient reason exists, (paragraph 269).

(213) A properly constructed interview room should be constructed at or near the main gate in every jail, (paragraph 270).

*Section IV.—Education, Prison Libraries and Supply of Books and Periodicals.*

(214) Provision for education should be made in all central and district jails, but such education should be restricted for the present to prisoners not over the age of 25, (paragraph 272).

(215) The education provided should not go beyond the elementary stage, and should, wherever possible, include a certain amount of manual training, (paragraph 273).

(216) If any prisoner desires to go beyond the elementary stage he should be furnished with the necessary books and given any assistance available, (paragraph 273).

(217) The hours of education should be so arranged as not to interfere with labour, (paragraph 273).

(218) Every central and district jail should contain a small library of books (both English and vernacular) suitable for issue to prisoners who can read, and lectures for prisoners should, if possible, be provided, (paragraph 274).

(219) Suggestions for recreation between lock-up and sleeping time, (paragraph 275).

(220) A female prisoner able to read should be allowed to get books from the jail library, (paragraph 276).

*Section V.—Religious and Moral Instruction and Religious Observances in Prison*

(221) Endeavours should be made to provide religious and moral instruction for all prisoners in jail, (paragraph 279).

(222) A Hindu, Mohammedan, Buddhist or Christian minister should be appointed to every central and district jail, in which any considerable numbers of prisoners of those religions respectively are

confined, and should, if necessary, be paid a retaining fee, (paragraph 280).

(223) Approved ministers of prisoners other than that of the appointed minister may be admitted, but no minister should be allowed to have access to any prisoner, who does not belong to his own persuasion, except on request of the prisoner and with the permission of the Inspector-general, (paragraphs 281 and 282).

(224) Religious buildings need not be provided in jails, but the local authorities should in each case make suitable arrangements to enable religious services to be held, (paragraph 283).

(225) Certain arrangements should be made to enable Mohammedans to fulfil their religious obligations, (paragraphs 285 and 286).

(226) Sikhs should be permitted to wear a turban in jail and to retain certain of their religious symbols, (paragraph 287).

(227) Interference with genuine religious or caste prejudices of prisoners should be avoided; if a superintendent feels any doubt as to the validity of any plea advanced on religious grounds, he should refer the matter to the Inspector-general, (paragraph 288).

(j) CHAP.XII.—PRISON HYGIENE AND MEDICAL  
ADMINISTRATION

*Section I.—Diet, Cooking, Distribution of Food and Connected Matters.*

(228) The question whether the ration of rice should not be reduced to 20 ounces per diem should be considered in the light of Major McCay's researches, (paragraph 289).

(229) The question whether the grain ration in any Province should exceed 20 ounces should also be considered, (paragraph 289).

(230) The *dal* ration should in no case exceed 5 ounces, and with certain exceptions should not exceed 4 ounces, (paragraph 289).

(231) The vegetable ration should be raised to 8 ounces per diem, (paragraph 289).

(232) The dietaries of all Provinces should be expressed in pounds and ounces *avoir du poist*, and the use of local measures should be discontinued, (paragraph 289).

(233) As much variety as possible in jail diet is desirable, (paragraph 290).

(234) The medical officer should be empowered to alter the dietary of an individual prisoner, but not of any class of prisoner, except in all emergency; if any such alteration in the dietary of any class of prisoners is made, an immediate report should be sent to the Inspector-general, (paragraph 291).

(235) Vegetables, when plentiful, should be stored for issue in the season, (paragraph 292).

(236) When vegetables have to be purchased, the free supply to the staff should cease, (paragraph 292).

(237) It is undesirable to lay down that the jailor shall pay, if vegetables have to be purchased, (paragraph 292).

(238) The cooking of the prisoners' food is almost as important for the maintenance of health as the composition of the dietary, (paragraph 293).

(239) Special attention should be paid to the sifting of the flour, the kneading of the dough, and the cooking of the cakes, (paragraph 293).

(240) The practice of a forenoon and afternoon meal, prevalent elsewhere, should be introduced in the Punjab, (paragraph 293).

(241) Food should be protected from flies and served to prisoners warm, (paragraph 294).

(242) In each yard a place should be provided, in which prisoners can be fed, when it is too wet or too hot for them to eat their food in the open, (paragraph 295).

(243) A year's supply of the staple articles of rations should, if possible, be purchased at the cheapest season of the year, either by tender or by public auctions, (paragraph 296).

(244) Grain should be stored in bags and not in bins or pits, (paragraph 296).

### Section II.—Clothing, Bedding and Connected Topics.

(245) Every prisoner should be provided with two sets of clothing; in the case of extramural gangs it may, in regions of heavy rainfall, be desirable to issue extra clothing during the rains, (paragraph 297).

(246) Every convict should be provided with a *langoti* as part of his prison suit, (paragraph 298).

(247) A towel should be supplied to each prisoner, (paragraph 299).

(248) Every male convict should be provided with trousers reaching to within four inches above the ankle, instead of with shorts, (paragraph 300).

(249) A distinctive mark should be woven into the clothing issued to the habitual, and the use of the iron wrist-ring should be discontinued, (paragraphs 301 and 302).

(250) The ankle-ring should also be abolished, except in the case of prisoners employed extramurally, (paragraph 302).

(251) The prisoner's ticket should be attached to a button on the left breast, the neck-ring at present in use being abolished, (paragraph 302).

(252) When a prisoner appears in court either as a witness or as an accused person, he should be in ordinary clothes, and he should not be produced in fetters except with the permission of the court, (paragraph 303).

(253) Every prisoner in hospital should be given a proper mattress and a pillow, (paragraph 304).

(254) Hospital clothing and bedding should bear a distinctive mark, (paragraph 304).

*Section III.—General Sanitary Arrangements.*

(255) Wherever a municipal water supply has been introduced, the jail should be connected with it, (paragraph 306).

(256) Where possible, overhead bathing arrangements should be introduced, (paragraph 306).

(257) In every jail there should be sufficient latrine accommodation to provide one seat for every six men, and the partitions which divide the seats should be high enough to provide a reasonable degree of privacy, (paragraph 307).

(258) Every general latrine should have foot-rests, (paragraph 307).

(259) Water for ablution after resort to the latrine should be provided at or close to it, (paragraph 307).

(260) In all sleeping barracks a cage latrine separated from the ward is essential, (paragraph 307).

(261) Utensils in cells should invariably be provided with close-fitting covers, (paragraph 307).

(262) It is necessary to continue the trenching system of disposing of night-soil, but if flies are numerous in any jail the superintendent should at once take steps to ascertain whether they are coming from the night-soil trenches, (paragraph 308).

(263) A "Thresh" or other large steam disinfecter should be installed in a large jail; "the Serbian barrel" or a similar device should be installed in other jails, (paragraph 309).

(264) Lighting arrangements in jails are generally inadequate; the question of their improvement should be examined in all Provinces and an electric light installation should, if possible, be provided for every central jail, (paragraph 310).

*Section IV.—Hospital Administration and the Care and Nursing of the Sick.*

(265) Every jail hospital ought to be brought thoroughly up to date in respect of buildings and equipment, (paragraph 312).

(266) An up-to-date standard scale of hospital equipment should be drawn up in every Province in consultation with the provincial head of the Medical Department, (paragraph 313).

(267) Male nurses should be added to the establishment of every district and central jail, (paragraph 315).

(268) Where paid attendants are not provided at central jails, systematic steps should be taken to select and train suitable prisoners for the work of hospital orderlies; and in the case of district jails trained

and trustworthy convict orderlies should be sent down from the nearest central jail, (paragraph 316).

(269) Wherever possible, prisoners who are so seriously ill as to require medical aid and nursing at night should be kept in a separate ward, of which the sub-assistant surgeon on duty should have the key, (paragraph 317).

(270) Where there are two or more sub-assistant surgeons attached to a jail, one should sleep in the jail each night; where there is only one sub-assistant surgeon, a telephone should be put up connecting his quarters with the jail, so that the hospital orderly on duty can ring him up, if necessary, (paragraph 317).

(271) More attention should be given to the advantage of removing the sick for a part of the day into the open air, (paragraph 318).

(272) The need for unremitting supervision over the patient's food should be constantly impressed upon all medical subordinates; and, wherever possible, a professional cook should be employed to direct and instruct the convict cooks, (paragraph 319).

(273) Accommodation either in a special jail or in specially constructed wards at selected centres should be provided for such cases of tubercle as are fit for removal; for other cases a small properly designed separate ward should be provided in every central and district jail, (paragraph 320).

(274) Prisoners suffering from such diseases as cannot adequately be dealt with in a jail hospital should be removed to the local civil hospital, and such cases of removal should at once be reported to the Inspector-general, (paragraph 321).

(275) Every central and district jail hospital should be provided with (a) a small reference library of standard works on medicine and surgery, (b) a microscope, (c) an operating room and a dark room for eye work, (paragraph 322).

(276) Patients in hospital should be provided with a mattress and a pillow, and in the case of malaria patients mosquito curtains should be used, (paragraph 322).

(277) The medical officer should see that every prisoner takes such amount of exercise as may be necessary for his health, (paragraph 323).

(278) All prisoners, except those who are too ill, should be weighed once a fortnight, and a statement showing the results of weighments should be prepared, (paragraph 324).

#### *Section V.—Overcrowding.*

(279) It is the duty of every local Government to take prompt measures to prevent overcrowding and to relieve it when it occurs, (paragraph 326).

(280) In this connection the working capacity of a jail should be

considered apart from the accommodation in hospital and from that for special classes of prisoners, (paragraph 334).

(281) Every prisoner should have a raised berth, measuring  $6\frac{1}{2}$  by  $2\frac{1}{4}$  feet, 20 to 24 inches high in a lower storey and 6 inches high in an upper storey, (paragraph 335).

(282) In new barracks the standard superficial area for each prisoner should be not less than 45 square feet, but in existing barracks it should be the number of berths or the number of prisoners at 40 square feet per prisoner, whichever is less, (paragraph 336).

(k) CHAP. XIII.—INSANITY, MENTAL DEFICIENCY  
AND ABNORMALITY

(283) In addition to the type of lunacy which can be transferred to a lunatic asylum, there exist many lesser degrees and shades of mental abnormality, (paragraph 337).

(284) The words "from birth or from an early age", which occur in the definition of a mental defective under the English Mental Deficiency Act, 1913, unnecessarily restrict the application of the definition, (paragraph 339).

(285) In each Province there should be established a special institution for mental defectives, as defined in the English Act, the words "from birth or from an early age" being omitted, (paragraph 340).

(286) Some Members of the Committee, whose views are contained in Appendices VII<sup>1</sup> and VIII<sup>2</sup>, would bring all persons who are in any way mentally abnormal within the scope of special action or legislation, (paragraph 341).

(287) The Members responsible for Appendix VII<sup>3</sup> advocate:—

- (i) that all young adults and children who commit crime should, as far as feasible, be mentally examined by an expert, in order to ascertain whether they are mentally abnormal or not;
- (ii) that all persons should be similarly examined before they are released on probation;
- (iii) that all prisoners should be similarly examined before they are released on parole;
- (iv) that all mentally defective and mentally abnormal prisoners should be sent to a special prison;
- (v) that selected medical officers in the prison service should be sent to the United States to study the subject and the methods there in use; and

<sup>1</sup> Colonel Jackson and Sir Walter Buchanan.

<sup>2</sup> Sir James DuBoulay.

<sup>3</sup> Colonel Jackson and Sir Walter Buchanan.

(vi) that, where a lunatic asylum is near a prison, the superintendent of the asylum should be appointed "consulting alienist" to the prison (paragraph 342).

(288) The Member<sup>1</sup> responsible for Appendix VIII concurs in proposals (iii) to (vi) above, (Appendix VIII).

(289) The other Members of the Committee are opposed to these recommendations:—

- (1) because they involve acceptance of the views expressed in Appendix VII regarding mental abnormality.
- (2) because these views would substitute obscure terms and doubtful tests for the clear terms and practical tests laid down in the English statute relating to mental defectives.
- (3) because these views might have a dangerous influence on the doctrine of criminal responsibility, might prejudice the administration of criminal justice and might encourage malingering in jails.

They therefore recommend that action taken in India for the segregation of mental cases not of a certifiable character should be limited for the present to defectives, as defined in the English Mental Deficiency Act, 1913 (as proposed above to be amended), (paragraphs 343 to 350).

#### (l) CHAP. XIV.—ASSISTANCE TO PRISONERS ON RELEASE

(290) A central association for the assistance of released prisoners should be set up in the capital city of each Province; and local societies should be formed for each central or district jail outside the capital city, (paragraph 352).

(291) The societies should be mainly non-official in character, but the superintendent and medical officer of the prison and the sessions judge or magistrate of the district should be *ex-officio* members of the managing body of the local society, and the non-official visitors should be invited to join it, (paragraph 353).

(292) Financial assistance given to the societies from public funds should bear a certain proportion to the amount collected from the public; a statement of accounts should be submitted to Government each year through the central association, (paragraph 354).

(293) Each society should have an honorary secretary to conduct its correspondence, and paid agents to work in the prisons, (paragraph 355).

<sup>1</sup> Sir James DuBoulay.

(294) The paid agents should have free entry to the prisons and access to all prisoners who are within, say, three months of their release, (paragraph 356).

(295) Where necessary, a female agent should be employed for female prisoners, (paragraph 357).

(296) If homes, workshops or labour yards are started to assist ex-prisoners, the relief or employment thus afforded should be strictly temporary, (paragraph 358).

(297) As a rule any gratuity to the credit of a prisoner on discharge from prison should be handed over to the local prisoners' aid society for disbursement in the best interests of the prisoner, (paragraph 359).

(298) The prisoners' aid societies and the parole officers, whose appointment is suggested in Chapter XVI, paragraph 454, should work together as far as possible, (paragraph 360).

(m) CHAP. XV.—MEASURES FOR PREVENTION OF  
COMMITTAL TO PRISON  
*Section I.—The Child Offender.*

(299) The definitions of child and young person embodied in the English Children Act, 1908, and in the Madras Children Act, 1920, should be adopted generally in India, *viz.*—(a) a child means a person under the age of fourteen, and (b) a young person means a person who is fourteen but under sixteen, (paragraph 364).

(300) The commitment to prison of children and young persons, whether after conviction or while on remand or under trial, is contrary to public policy, and sentences of imprisonment should in the case of children and young persons be made illegal, as in England, (paragraph 367).

(301) Remand homes should, as far as possible, be provided for children and young persons under remand or pending trial or inquiry, (paragraph 368).

(302) When there is no remand home, the court should endeavour to make suitable arrangements for the custody of any child or young person who is under remand. If any court finds it unavoidable to commit a child or young person to prison for safe custody, it should at once submit a special report to the district magistrate on the subject, (paragraph 368).

(303) The creation of children's courts for the hearing of all cases against children and young persons is desirable, and the procedure in such courts should be as informal and as elastic as possible, (paragraphs 369 and 370).

(304) Outside large towns it will not be possible to provide a special court, but every court dealing with a case against a child or a young

person should sit at a special hour and, if possible, in a special place for the purpose, (paragraph 371).

(305) It is not advisable to bring children from long distances to be tried by a special magistrate; the local magistrate should try the case, (paragraph 371).

(306) In large towns like Calcutta the children's court should be placed under a specially selected magistrate and should not be presided over in turn by a succession of changing magistrates, (paragraph 372).

(307) Full information should be collected before a final order regarding a child is made, and the case should generally be adjourned to enable this to be done, (paragraph 373).

(308) It is often desirable to leave a child-offender with his parents, if the home is at all a decent one, (paragraph 374).

(309) The law should be modified and made as elastic as possible, so as to enable the court to combine release on recognizances with fine or restitution and with probation, in whatever way the circumstances of the case render most suitable, (paragraph 374).

(310) Probation officers should be appointed to aid the courts in obtaining information about children and to supervise them after release, (paragraphs 373 and 375).

(311) Private persons, if suitable, may be used as volunteer probation officers, (paragraph 375).

(312) Such officers may at first be appointed only in the large towns, (paragraph 376).

(313) No definite educational qualifications should be insisted on, but men of good education should be selected and the pay should be liberal, (paragraph 376).

(314) It is important (a) not to give a probation officer too many cases at one time, (b) as a rule, not to place a child, who relapses into crime, again on probation, (paragraph 377).

(315) Whipping as a court punishment is effective in only a small percentage of cases, and repeated whippings do no good, (paragraph 378).

(316) A separate reformatory should be provided for each of the larger Provinces, and is specially needed in Bengal, (paragraph 381).

(317) Reformatory schools should resemble ordinary schools and not jails, and should therefore not be located in old jail buildings; they should not be near a jail, but should be in the country and in properly planned buildings on the cottage system, (paragraph 383).

(318) Each reformatory school should have a matron, (paragraph 383).

(319) Measures should be taken to keep in touch with the ex-pupils of reformatory schools, and information as to the after-career of these

pupils should be systematically collected and placed on record, (paragraph 384).

(320) Defective children should not be sent to a reformatory school, but to a special institution, (paragraph 385).

(321) Legislation is required to deal with the case of non-criminal children living in criminal, vicious and immoral surroundings, or without proper guardians or homes, including the case of female children in danger of becoming prostitutes, (paragraph 386).

*Section II.—The Adolescent Criminal.*

(322) An adolescent means a person between the ages of sixteen and twenty-one, but power should be taken to extend the age to twenty-three, (paragraph 388).

(323) Adolescent offenders should not be sent to ordinary jails, but should be confined in separate jails or institutions to which no adult prisoners are sent, (paragraph 389).

(324) In order to supply information regarding the number of adolescents, column 4B of the Annual Statement No. II should be divided into three sub-columns, dealing with prisoners of the ages, sixteen to twenty-one, twenty-two to thirty and thirty-one to forty, (paragraph 393).

(325) Adolescents guilty of grave crime should be kept in juvenile jails; other adolescents should be sent to Special Institutions for adolescents, (paragraphs 394 and 395).

(326) The Special Institutions for adolescents should be reformatory in character, (paragraph 395).

(327) They should for the present be under the control of the Inspectors-general of Prisons, (paragraph 395).

(328) In the case of female adolescents, separation from adults should be arranged in ordinary jails until a Special Institution can be provided, (paragraph 396).

(329) The power to commit to a Special Institution for adolescents should be exercised by all first-class magistrates and by any second-class magistrate specially empowered, (paragraph 398).

(330) When an adolescent offender has been committed to an ordinary or a juvenile jail the superintendent of the jail may move the district magistrate to order the removal of the adolescent offender to a Special Institution for adolescents, (paragraph 399).

(331) If an adolescent in a Special Institution for adolescents is found to be incorrigible or to be exercising a bad influence, he should be placed before the district magistrate with a view to his transfer to a juvenile jail, and the district magistrate should have power to revise the period of detention ordered as the circumstances of the case may demand, (paragraph 400).

(332) Adolescents detained in Special Institutions for adolescents should be called "inmates" and as far as possible prison terminology should be avoided, (paragraph 401).

(333) The staff appointed to these Special Institutions for adolescents should be selected with special care, and should not be freely interchangeable with that of prisons, (paragraph 402).

(334) The dress of inmates in Special Institutions for adolescents should be of a uniform pattern but should not be the jail clothing of the Province, (paragraph 402).

(335) As the principal object of the Special Institutions for adolescents is the reformation of the inmates, all the details should be arranged to that end, (paragraphs 403 to 407).

(336) Mental defectives should not be admitted to these Special Institutions, but should be sent to a home for mental defectives, (paragraph 408).

(337) For the maintenance of order and discipline in the Special Institution, summary powers of punishment should be conferred on the superintendent, (paragraph 409).

(338) The period of detention in a Special Institution for adolescents should vary from a minimum of three to a maximum of five years, followed by a further period of supervision, (paragraph 410).

(339) The English system of release on license should be adopted; no adolescent should be so released until work has been found for him, (paragraph 411).

(340) The Inspector-general should have power to cancel a license, and the licensee should then be liable to be returned to the Special Institution to complete the period of detention to which he was liable under his original sentence, (paragraph 412).

(341) No adolescent who has relapsed into crime after completing a full period in a Special Institution should be a second time committed to such an institution, (paragraph 412).

(342) The system of after-care to be exercised over ex-inmates is one of the most important points connected with the scheme of Special Institutions, (paragraph 413).

(343) After-care associations should be formed and a committee of visitors, largely composed of non-officials who can assist in finding work for ex-inmates, should be constituted for each Institution, (paragraph 414).

(344) One or more official agents or parole officers, of the type mentioned in Chapter XVI, should be attached to each Institution, (paragraph 415).

(345) The finger prints of all adolescents sent to Special Institutions should be taken and sent to the Central Bureau, (paragraph 419).

(346) The system of registering criminals as "P.R." "P.R.T." or

"K.D." should not be applied to any inmate or ex-inmate of a Special Institution for adolescents, (paragraph 419).

*Section III.—Probation.*

(347) The proposal to amend section 562, Criminal Procedure Code, by rendering it applicable to offences punishable with imprisonment for not more than three years and extending it to offences under any special or local law, and the other proposals on this subject of the Committee appointed to revise the Code of Criminal Procedure, are generally suitable, (paragraph 433).

(348) In deciding whether a case is suitable for release on probation, the whole of the circumstances should be taken into account, (paragraph 433).

(349) Power should be taken to require a person placed on probation to pay a fine, damages, or compensation for injury or loss caused, and to be subject to such conditions as may be included in the probation order, (paragraph 433).

(350) The court should have power to escheat a part of the recognizances of an offender who has broken the conditions of a probation order, while allowing him to remain on probation, (paragraph 433).

(351) Probation officers should be appointed as far as possible, and private individuals may also be recognised as probation workers, (paragraph 434).

(352) The Police should not be employed as probation officers, nor should they exercise supervision over, or interfere in any way with, a person placed on probation, (paragraph 434).

(353) The probation officer should make enquiries and report to the court regarding an offender's previous history and home life, before a probation order is made, (paragraph 435).

(354) The probation officer should not be liable to be called on to disclose, except to the court, the names of the informants from whom the information contained in his report was obtained, (paragraph 435).

(355) To assist the courts in selecting cases suitable for probation, a pamphlet explaining the rationale and working of the system should be drawn up, (paragraph 436).

(356) Persons who are mentally defective should not ordinarily be placed on probation, (paragraph 436).

*Section IV.—Fines, Short Sentences and Other Points.*

(357) Those sections of the Indian Penal Code, under which imprisonment must be awarded when a conviction occurs, should be amended so as to give discretion to the court, (paragraph 437).

(358) The provisions of the Criminal Procedure Code regarding levy of fine should be amended, so as to make the grant of time or-

dinarily compulsory, to permit payment by instalments, to remove the limit of fifteen days laid down in Section 388 of the Criminal Procedure Code, and to require imprisonment for non-payment of fine to be awarded only by separate proceedings, (paragraph 438).

(359) Courts should be enabled to dispose of cases by the order "convicted and discharged with a warning", (paragraph 440).

(360) Sentences of imprisonment for less than twenty-eight days should be prohibited, (paragraph 444).

(n) CHAP. XVI.—THE INDETERMINATE SENTENCE

(361) The sentence of every long-term prisoner should be brought under revision, as soon as the prisoner has served half the sentence in the case of the non-habitual, and two-thirds of the sentence in the case of the habitual, remission earned being counted in each case, (paragraph 453).

(362) The revision should be carried out by a Revising Board, composed of the Inspector-general of Prisons, the Sessions Judge and a non-official, (paragraph 454).

(363) Full information as to the prisoner's history, physical and mental condition, conduct and fitness for release should be collected and put before the Board, (paragraph 454).

(364) If the Revising Board recommends a prisoner's release, the local Government should decide whether to make an order under section 401, Criminal Procedure Code or not, (paragraph 454).

(365) If possible, prisoners released on parole should undergo some sort of intermediate or probationary stage, during which their fitness for final release could be tested and they themselves gradually habituated to freedom, (paragraph 456).

(366) In all cases, the release of a prisoner on parole should be made subject to conditions, breach of which would render him liable to be remanded to undergo the full original sentence, (paragraph 457).

(367) The duty of seeing that a prisoner fulfils the conditions on which he was released should not be imposed upon the police or upon the village headman, but special officers, to be termed parole officers, should be appointed for the purpose, (paragraph 458).

(368) These parole officers should possess a good standard of education, though not necessarily a university degree, and should both protect and advise the released prisoner and report breaches of the conditions of release, (paragraph 458).

(369) When a prisoner is released, the Revising Board may suspend and set aside any order regarding him made under Section 565, Code of Criminal Procedure, (paragraph 459).

(370) If the scheme of revision of sentences here suggested is

adopted, the practice of granting remission of sentence on occasions of public rejoicing should be abandoned, (paragraph 460).

## CHAP. XVII.—SPECIAL CLASSES OF PRISONERS

### *Section I.—Civil Prisoners.*

(371) Wherever possible, civil prisoners should be removed from criminal jails and confined in a separate institution under the control of the senior civil judge of the station, (paragraph 463).

(372) Until it is possible to make civil prisoners over to the charge of the civil judge, they should be kept in a yard which should, if possible, be outside the jail wall, or which, if this cannot be arranged, should have a separate entrance outside the jail and no inner communication with the jail, (paragraph 464).

(373) Civil prisoners should be (a) encouraged to work, (b) allowed books from the jail library, (c) permitted to purchase at their own expense books from outside, and (d) allowed harmless indoor games, (paragraph 465).

(374) As far as possible, separate sleeping accommodation should be available for civil prisoners, (paragraph 465).

(375) The practice of employing convict officers to guard civil prisoners is irregular and should be stopped, (paragraph 466).

### *Section II.—State Prisoners.*

(376) The arrangements for the treatment of "State Prisoners" appear to be satisfactory, (paragraph 467).

### *Section III.—Military Prisoners.*

(377) Officers and soldiers of the Indian Army sentenced to imprisonment by courts-martial for purely military offences should not be sent to criminal jails, but to military prisons, (paragraph 469).

(378) If this is impossible, such military prisoners should be kept only in some selected central jail or jails, where separate accommodation for them should be provided, (paragraph 470).

### *Section IV.—Under-trial Prisoners.*

(379) The under-trial block should be completely separated from the portion of the jail occupied by convicted prisoners, (paragraph 472).

(380) Under-trial prisoners should not be guarded by convict officers, (paragraph 473).

(381) In all future construction the accommodation for under-trial prisoners should provide for complete separation at night, (paragraph 475).

(382) The opinion of the Committee is divided as to whether under-trial prisoners should be kept in their cells by day, but the majority are against it, (paragraph 475).

(383) Any under-trial prisoner who wishes to remain in his cell by day should be allowed to do so, (paragraph 475).

(384) All local Governments should continue to press on the courts the objections to prolonged detention of un-tried prisoners in prison, (paragraph 475).

(385) The United Provinces rule, requiring the Inspector-general of Prisons to call the attention of the Government to cases of undue detention in the under-trial yard, should be adopted in other Provinces, (paragraph 475).

(386) In order to allow of separation by day, there should be, in all jails, if possible, three sub-divisions of the under-trial yard, (paragraph 476).

(387) The Philippine custom of counting half the period of detention before and during trial as a part of the sentence is a reasonable one and worthy of consideration by the Government of India, (paragraph 477).

(388) All under-trial prisoners should be allowed:—(a) to procure, under certain conditions, books and newspapers from outside the jail, (b) to borrow books from the jail library and (c) any reasonable supply of stationery and writing materials, (paragraph 478).

(389) Purchases of food or other articles (if any) should be made through the jailor, (paragraph 479).

(390) Unless an under-trial is supplied with *cooked* food from outside he must accept food cooked in the general kitchen, (paragraph 479).

(391) Under-trials should be allowed to procure and use tobacco in reasonable quantities at their own expense, but alcohol should not be permitted, (paragraph 479).

(392) An under-trial should be allowed to change his clothes, provided that his appearance is not thereby materially altered. He should also be allowed to retain his shoes, (paragraph 480).

(393) Section 34 of the Prisons Act, 1894, relating to the employment of civil prisoners should be extended to under-trials, (paragraph 481).

(394) Under-trials should in no case be employed outside their own enclosure, (paragraph 481).

(395) No prisoner should be produced in court in fetters except with the special permission of the court, (paragraph 482).

(396) Rule 810 of the Punjab Prison Manual, which requires a jail superintendent to report to the court if an under-trial prisoner has had a previous conviction, should be cancelled, (paragraph 483).

(397) If an under-trial is seriously ill, the fact should be reported to the court with a view to his release on bail, (paragraph 484).

(398) Rule 878 of the United Provinces Prison Manual, which lays down that no under-trial prisoner accused of murder shall be locked up alone, should be cancelled, (paragraph 485).

(399) Arrangements should be made as regards the food of under-trials when sent to, or coming from, court, (paragraph 486).

*Section V.—Prisoners under Sentence of Death.*

(400) The guard over condemned prisoners should be composed of warders and not of police, (paragraph 488).

(401) The rules of the United Provinces regarding the use of fetters and belchain in the case of condemned prisoners should be cancelled, (paragraph 489).

(402) Female prisoners under sentence of death should in all Provinces be kept in the female yard, and guarded by female warders, (paragraph 490).

(403) Condemned prisoners whilst awaiting execution should be allowed books, tobacco, interviews and religious ministrations, (paragraph 491).

(404) The gallows should be erected near the condemned cell, but should not be visible from it, (paragraph 492).

(405) The identification of the prisoner and the reading of the warrant to him should take place before he leaves his cell, (paragraph 492).

*Section VI.—Female Prisoners.*

(406) In building any new jail the female yard should be so placed that prisoners and visitors can reach it unobserved and that it is in complete isolation from the rest of the jail, (paragraph 493).

(407) In female yards, provision should be made for the separation of adolescents from older prisoners, habituals from non-habituals, and respectable women from prostitutes, (paragraph 495).

(408) With this object, female prisoners should be concentrated at convenient centres where complete and efficient means of separation should be provided, (paragraph 496).

(409) A matron or female warder should be provided at every jail where female prisoners are received, (paragraph 497).

(410) No female prisoner should be sent out with only a male escort, (paragraph 498).

(411) As far as possible, corresponding arrangements should be made in regard to female prisoners in subsidiary jails, (paragraph 499).

(412) The advice of inspectresses of schools should be obtained regarding the best forms of employment for female prisoners, (paragraph 500).

(413) Female prisoners should be allowed to retain their children

up to the age of four, or even up to the age of six if the superintendent approves, (paragraph 501).

(414) Female prisoners should be given a reasonable supply of oil for their hair, (paragraph 502).

*Section VII.—Lepers.*

(415) In every Province a jail (or annexe to a jail) should be provided for the reception of leper convicts, and every leper convict whose sentence is of sufficient length should be promptly transferred to it, (paragraph 503).

(416) Pending transfer to this jail or annexe, every leper should be kept separate from all other prisoners, (paragraph 504).

(417) Every cell or other building which has been occupied by a leper should be thoroughly disinfected, (paragraph 505).

*Section VIII.—Lunatics.*

(418) Non-criminal lunatics should not be sent to a jail, but to a civil hospital, (paragraph 507).

(419) Criminal lunatics should be removed from jail to the lunatic asylum as promptly as possible, and superintendents should be allowed to despatch them to the lunatic asylum in anticipation of government sanction, (paragraph 508).

(420) Certain criminal lunatics who, under section 471 of the Criminal Procedure Code, are retained in prison should, as far as possible, be concentrated in selected jails, (paragraph 509).

(421) Government of India (Home Department), letter Nos. 15-1609-1617, dated 15th October, 1888, regarding the treatment of recovered lunatics, should be withdrawn, (paragraph 510).

*(p) CHAP XVIII.—VISITORS*

(422) A sufficient number of official and non-official visitors should be appointed for every central and district jail and for such subsidiary jails as the local Government may direct, (paragraph 512).

(423) The local inspector of schools (or another officer of the Education Department) should either be an *ex-officio* visitor of the central and district jails within his jurisdiction, or should have free access to such jails for purposes connected with the discharge of his official duties, (paragraph 513).

(424) It is important that the sessions judge and superior magistrates of the district should be on the board of visitors, (paragraph 513).

(425) All local Governments should consider the question of bringing the number of non-official visitors in their Province up to the Bengal standard, *viz.*, two for subsidiary jails, three for district jails and six for central jails, (paragraph 514).

(426) In order to emphasise the importance of the position of visitors, every appointment of a non-official visitor should be notified in the official gazette of the Province, (paragraph 515).

(427) Non-official visitors should be appointed by the local Government or the divisional commissioner, (paragraph 515).

(428) The appointment of non-official visitors should be for a stated period, but any non-official visitor who has shown interest in the work and has proved his usefulness ought to be reappointed, so long as he is fit and willing to serve, (paragraph 516).

(429) The official and non-official visitors should constitute a board, with the district magistrate as *ex-officio* chairman, (paragraph 518).

(430) The district magistrate should arrange a roster for weekly visits to the jail by both official and non-official visitors, (paragraph 518).

(431) The board should meet at the prison once a quarter, and then carry out certain inspections and other duties, (paragraph 518).

(432) Non-official visitors should possess the same powers and be entrusted with the same duties as official visitors, (paragraph 519).

(433) No prisoner should be punished for any complaint or statement made to a visitor unless that visitor concurs, (paragraph 520).

(434) A pamphlet setting out the powers and duties of visitors should be drawn up and supplied to the office of each official visitor and to each non-official visitor on appointment, (paragraph 520).

(435) The visits to jails of both official and non-official visitors should be welcomed and encouraged, and both classes should receive the same treatment, (paragraph 521).

(436) Every visitor should be provided with a warder escort for his own safety, but should, if he so desires, be allowed to go round the jail unattended, except for the escort, (paragraph 521).

(437) Except on the occasion of quarterly meetings, no visitor can claim to be accompanied by the superintendent, jailor, deputy jailor or assistant jailor, (paragraph 521).

(438) Lady visitors should be appointed for all central and district jails where female prisoners are confined; where European ladies are appointed, they should be acquainted with the local vernacular, (paragraph 522).

(439) Lady visitors should possess the same powers and duties as the male visitors, except that they should be concerned only with female prisoners and the female yard, (paragraph 523).

#### (q) CHAP. XIX.—PRINCIPLES OF PRISON CONSTRUCTION

(440) The minimum area to be provided within the enclosing wall of a jail should be at the rate of 75 square yards per inmate, and except

where land is specially valuable, it might with advantage be at the rate of 100 square yards per inmate, or 30 acres for a full sized central jail, (paragraph 524).

(441) An equal area should be provided outside the walls for the garden, and land should also be reserved for quarters for the warders and superior staff, (paragraph 525).

(442) New jails should be built, not inside a city or large town, but on the outskirts, the best site being from about a mile to two miles from the town limits, (paragraph 526).

(443) The quarantine yard should be near the main gate, should be divided into three sub-yards, and the buildings should be cellular, (paragraph 527).

(444) The hospital yard should be near the main gate and should have direct communication with the quarantine yard, (paragraph 527).

(445) In jails in which under-trials are received, their yard should be as near the main gate as possible, should be divided into three sub-yards and the buildings should be cellular, (paragraph 527).

(446) If civil prisoners are received in a criminal jail, the yard for their detention should be placed outside the main gate and enclosing wall of the jail, (paragraph 527).

(447) In order that it may be possible to reach the female yard without going through the portion of the jail reserved for males, the yard should either have a separate entrance or should be reached by an excluded passage, (paragraph 527).

(448) Store-rooms should be as near the main gate as possible, (paragraph 527).

(449) No ward should contain more than forty prisoners, (paragraph 528).

(450) Not less than twelve square feet of ventilating space should be provided for each inmate, (paragraph 528).

(451) Where jails are not lighted by electricity a lamp should be provided for every 25 feet of length of ward, and the ceiling or roof should be whitewashed, (paragraph 528).

(452) The type of cell in use in most Provinces is far from satisfactory; Plans Nos. 3 and 4 in Appendix XIII show the Committee's suggestions, (paragraph 529).

(453) Every general latrine should have foot-rests and be provided with partitions high enough for reasonable privacy, (paragraph 530).

(454) Means should be provided in the hospital for separating prisoners suffering from tubercle, dysentery and venereal, (paragraph 531).

(455) There should also be a small isolation block, either in the hospital enclosure or outside the jail, for such cases as plague, cholera, small-pox, mumps or measles, (paragraph 531).

(456) If the isolation sheds are outside the jail, there should be a room for the medical subordinate on duty, (paragraph 531).

(457) In every jail hospital there should be a small but well lighted operating room and a night room for the sub-assistant surgeon, (paragraph 531).

(458) The divisions between different enclosures should, wherever possible, consist of iron railings rather than of solid walls, (paragraph 532).

(r) CHAP. XX.—SUBSIDIARY JAILS

(459) The principle which forbids under-trial prisoners being left in the hands of the police is a sound one and should be generally observed, (paragraph 535).

(460) Wherever prisoners on remand or committed for trial are at present kept in a magisterial lock-up or a police lock-up (other than such as form part of a police station), that lock-up should be notified as a subsidiary jail and be brought within the purview of the duties of the Inspector-general of Prisons, (paragraph 535).

(461) In all Provinces the question of converting magisterial lock-ups into subsidiary jails should be considered, (paragraph 535).

(462) Such practical changes should be made in the control of sub-jails as will ensure that prisoners kept in them shall not be subject to police influence, (paragraph 536).

(463) The Bengal system of deputing warders to the subsidiary jails from the district jail might be adopted in Provinces where the number of sub-jails is small, (paragraph 537).

(464) In Madras and Bombay at least two warders, who may be selected peons, should be provided at each subsidiary jail, so that one warder may always be present, (paragraph 538).

(465) The duties of the Police guard, if any, should be limited to guarding the prisoners in the sub-jail, (paragraph 538).

(466) Beyond the warder staff the ordinary subsidiary jail requires little establishment, though in a few large sub-jails a whole-time jailor may be required, (paragraph 539).

(467) In future no convicted persons should serve their sentences in subsidiary jails, (paragraph 540).

(468) As in future all prisoners in sub-jails will thus be under remand or under trial, the accommodation to be hereafter provided in a sub-jail should be entirely cellular, *vide* Plan No. 3 or Plan No. 4 in Appendix XIII, (paragraph 541).

(469) The sub-jail cells should be placed in a small separate yard and should not merely form one side of the *kacheri* enclosure, (paragraph 541).

(470) In the sub-jail cell yard there should be adequate bathing arrangements and, if possible, latrines, (paragraph 542).

(471) If a latrine is provided in a sub-jail ward, it should be a cage

latrine of the pattern shown as Plan No. 2 in Appendix XIII, (paragraph 542).

(472) The above suggestions should be followed in all future construction and existing sub-jails and lock-ups should be gradually altered, those which depart farthest from these recommendations being dealt with first, (paragraph 543).

(473) Two non-official visitors should be appointed to the larger sub-jails, the appointment being made by the district magistrate, (paragraph 544).

(474) An inspection register should be kept at each sub-jail in which official and non-official visitors should enter their remarks, a copy of which should be sent to the district magistrate as soon as possible, (paragraph 544).

(s) CHAP. XXI.—TRANSPORTATION AND THE ANDAMANS

*Section II.—Proposals for the Future of the Settlement.*

(475) If any fresh attempt at colonisation is made, it should be in an entirely new locality, (paragraph 553).

(476) A fresh attempt at colonisation in the Middle Andaman is not recommended, (paragraph 555).

(477) The retention of the settlement at Port Blair on the present lines is not recommended, (paragraph 563).

(478) The entire abandonment of the Andamans as a place of deportation is not recommended, (paragraph 563).

(479) Deportation to the Andamans should cease, except in regard to specially dangerous prisoners and any others whose removal from Indian jails is considered by the Government to be in the public interests, (paragraph 566).

(480) The existing restrictions as to age and physical condition of prisoners sentenced to transportation to the Andamans should, unless special medical grounds exist in any particular case, cease to apply, (paragraph 567).

(481) The Indian Penal Code should be amended by the substitution of "rigorous imprisonment" for "transportation", (paragraph 568).

(482) In Provinces where the available prison accommodation will not permit of the immediate cessation of deportation of all but selected prisoners, the Star class should be the first, and the habitual the last, to be detained in Indian jails, (paragraph 571).

(483) No females should in future be deported to the Andamans, and those now there should be brought back to India and distributed among the Provinces to which they belong, (paragraph 572).

(484) In those Provinces where the jails are insufficient to detain

prisoners now deported, additional accommodation should be provided as soon as possible, (paragraph 573).

*Section III.—Reforms required in the Cellular and Associated Prisons.*

(485) The superintendent of the jails should be relieved of all extraneous duties and be enabled to devote his whole time to the jails; and a separate senior medical officer should be appointed as soon as possible, (paragraph 577).

(486) The sanctioned establishment of medical subordinates in the jails is inadequate and two sub-assistant surgeons should be provided for the sub-medical charge, (paragraph 578).

(487) Until a separate senior medical officer is appointed, an assistant surgeon should be at once attached to the jails, (paragraph 578).

(488) The number of executive and clerical officers provided in the jails is inadequate; a jailor, deputy jailor and four assistants should at once be provided, (paragraph 579).

(489) The warder staff of the jails is also inadequate; there should not be less than 130 warders for the 1,300 prisoners, (paragraph 580).

(490) When the warder staff has been increased, as proposed, the number of convict officers should be reduced, (paragraph 580).

(491) There should be a properly trained foreman in charge of the manufacturing operations in the Cellular Jail, (paragraph 581).

(492) The jail hospital and hospital arrangements need substantial improvement, (paragraph 582).

(493) In view of the large amount of illness, special attention should be paid to the weighments of prisoners, (paragraph 583).

(494) The administration of the Cellular and Associated Jails should be brought up to the level of an Indian prison, and the recommendations in other Chapters of the Report should be applied to them, (paragraph 584).

(495) The remission system and the proposals regarding revision of sentences should be applied, (paragraph 585).

(496) Life convicts, whose return to India is objected to by the local Government, should, in certain circumstances, be allowed to live outside the jails, (paragraph 585).

(497) A library should be provided for these jails, (paragraph 586).

(498) In future, gifts of books to the jail library should be available for all prisoners in the jail, (paragraph 586).

*Section IV.—Reforms required in the Andamans outside the Cellular and Associated Jails.*

(499) The initial period of confinement in the Cellular Jail may be continued, but the first claim to accommodation should be on account of the specially selected prisoners, (paragraph 588).

- (500) No specially selected prisoner should be removed from the Cellular Jail to a convict station, (paragraph 588).
- (501) The convicts outside the jails should be concentrated in six temporary jails or concentration stations, (paragraph 589).
- (502) The sites selected for these temporary jails should be healthy and free from malaria, (paragraph 589).
- (503) Proper supervision over these temporary jails should be provided, (paragraph 589).
- (504) A resident superintendent should be appointed for charge of each temporary jail or concentration station, each of the present five assistants (to whom a sixth should be added) being made superintendent of one of the jails or stations, (paragraph 589).
- (505) Each temporary jail should have a jailor, a deputy jailor and one or more assistant jailors, suitable members of the present "overseers" staff being appointed jailors, (paragraphs 590 and 591).
- (506) The staff required should be recruited by deputation from local Governments in India, (paragraph 592).
- (507) The pay of jailors and assistant jailors should not be less than that recommended in paragraphs 52 and 53 of the Report, (paragraph 593).
- (508) The overseers' request for passages to India for themselves and their families once in three years is reasonable and should be granted, (paragraph 593).
- (509) Each temporary jail or concentration station should have at least 8 head warders on Rs. 75, rising to Rs. 100, and 40 warders on Rs. 25, rising to Rs. 50, (paragraph 594).
- (510) A commissioned medical officer should be appointed to the charge of the four hospitals at Bamboo Flat, Middle Point, Haddo and Viper Island, (paragraph 596).
- (511) The arrangements in those hospitals should generally be improved, (paragraph 596).
- (512) In order to attract good men to these remote hospitals adequate allowances should be attached to the posts, (paragraph 597).
- (513) Patients suffering from phthisis should be removed to India at an early stage of the disease, (paragraph 598).
- (514) Every prisoner should be weighed periodically and a record of the weighments should be maintained and examined, (paragraph 599).
- (515) Efficient steps should be adopted to ensure that every man has a dry suit of clothes to change into, (paragraph 600).
- (516) The arrangements for the cooking and distribution of rations should be controlled by a paid officer, (paragraph 601).
- (517) The early morning meal or "kanji" should be issued on non-working days as well as on working days, (paragraph 602).

(518) The reclamation of salt swamps in the neighbourhood of buildings should be pushed on and take precedence of all other projects, (paragraph 604).

(519) The question whether stations consisting of less permanent and costly buildings cannot be moved from the neighbourhood of salt swamps to higher land should be considered, (paragraph 604).

(520) Every endeavour should be made to abolish those methods of employment which are prejudicial to the health of the prisoners, (paragraph 605).

(521) No convicts for whom accommodation is available in their own Province in India should in future be sent to the Andamans merely on the ground of demands for labour there, (paragraph 605).

(522) A definite date should be fixed after which the supply of convicts will be withdrawn from the forest camps in the Middle Andaman, (paragraph 610).

(523) A proper labour register for each station should be maintained, (paragraph 611).

(524) The possibility of introducing labour-saving machinery should be considered, (paragraph 612).

(525) When the paid staff has been increased, the number of convict officers should be largely reduced; their duties and responsibilities should be regulated in accordance with the principles laid down in Chapter VI of this Report, (paragraph 613).

(526) An effective measure of classification should be introduced and one or more stations should be set apart for habitual prisoners, who should wear distinctive clothing, (paragraph 614).

(527) The non-habitual convicts should be divided into Star class and Ordinary, as recommended for Indian jails, (paragraph 614).

(528) The rule prohibiting the employment of habituals as convict officers ought to be applied to the Andamans, except in those concentration stations which are reserved for habituals, (paragraph 614).

(529) The practice of releasing prisoners as self-supporters should cease, (paragraph 615).

(530) Existing self-supporters should remain in the settlement until their sentence is completed, unless their release under section 401 of the Criminal Procedure Code is sanctioned, (paragraph 616).

(531) The remission rules, recommended for adoption in Indian jails, should be introduced into the Andamans, (paragraph 617).

(532) When a prisoner has reached the stage of his sentence which, if he were in an Indian prison, would bring him before the local Revising Board, his case should be referred to the local Revising Board of his Province, (paragraph 618).

(533) The question of the release of old and decrepit prisoners should be submitted to the local Government for consideration, on the certificate of the medical officer, (paragraph 619).

(534) The rate of stipend allowed to existing non-agricultural self-supporters should be increased, (paragraph 621).

(535) The issue of "dry" rations to convicts should be discontinued, (paragraph 622).

(536) The gratuity system recommended in paragraphs 258 to 263 of the Report should be introduced in the Andamans, (paragraph 623).

(537) Efforts should be made to provide adequate religious and moral influences among the prisoners, and the existing embargo on the construction of religious buildings should be withdrawn, (paragraph 624).

(538) In the Andamans, as in India, an interview should be permitted once in three months, [paragraph 625 (i)].

(539) Prisoners should be permitted to write letters in any Indian vernacular or in Singhalese, [paragraph 625 (ii)].

(540) The rule in force in Indian jails as to the writing of letters should be adopted for second and third class prisoners in the Andamans, [paragraph 625 (iii)].

(541) A convict should be permitted to petition the local Government for release, at reasonable intervals, [paragraph 625 (iv)].

(542) The rule in the Andamans Manual, requiring petitions to be stamped, should be cancelled, [paragraph 625 (v)].

(543) The circular enjoining the award of corporal punishment, whenever a convict escapes a second time, is objectionable, and the district officers should be allowed to deal with each case on its merits, [paragraph 625 (vi)].

(544) Any time spent in the chain-gang should be included as part of a prisoner's sentence, and sentences should be recalculated accordingly, [paragraph 625 (vii)].

(545) Self-supporters' houses should be built of planks or other substantial material, [paragraph 625 (viii)].

(546) A small library should be provided at each of the four hospitals, [paragraph 625 (ix)].

(547) Prisoners should be allowed, as in Indian jails, to retain their caste or religious symbols, [paragraph 625 (x)].

(548) The regulations in Indian jails, which prohibit interference with the religious and caste prejudices of prisoners, should be extended to the Andamans, [paragraph 625 (xi)].

*Section V.—Opinion of the Member<sup>1</sup> who dissents.*

(549) I am strongly of opinion that the sentence of transportation should be abolished from the Indian Penal Code, (paragraph 630).

(550) I am unable to agree that specially dangerous prisoners should be transported to the Andamans, (paragraph 632).

<sup>1</sup> D. M. Dorai Rajah of Pudukottah.

(551) If specially dangerous prisoners are still to be deported to the Andamans, the prisoners should be so classed preferably by the trying court, otherwise by a board consisting of the sessions judge and district magistrate, (paragraph 634).

(552) Once a man is found to be specially dangerous his treatment should be more rigorous and penal than that meted out to habitual prisoner, (paragraph 635).

(553) The prisoners now in Port Blair should at once be transferred to the local jails in India, where temporary jails should, if necessary, be provided, (paragraph 638).

(i) CHAP. XXII.—CRIMINAL TRIBES

(554) The first essential of success in dealing with the criminal tribes is the provision of a reasonable degree of economic comfort for the people, (paragraph 659).

(555) It is therefore of paramount importance to locate settlements where sufficient work at remunerative rates is available, (paragraph 660).

(556) Large numbers of fresh settlers should never be sent to a settlement without first ascertaining whether there is work for them, (paragraph 660).

(557) Commitment to settlements should, as far as possible, be by gangs not by individuals, (paragraph 665).

(558) Before any individual is dealt with under sections 11 or 16 of the Criminal Tribes Act there ought to be a formal inquiry, of which notice should be given to the person concerned and he should have an opportunity of meeting the charges against him, (paragraph 667).

(559) In any Province where any considerable number of settlements exists, an officer of some seniority should be appointed to supervise generally the working of the Act, (paragraph 668).

(560) It is desirable to utilise both Government and private agency for the control of settlements, (paragraph 668).

(561) In selecting the management (in the case of private control) preference should, if possible, be given to persons of the same religious faith as the tribe to be included in the settlement; but no embargo should be placed on the employment of Christian agency, (paragraph 669).

(562) Any person detained in a settlement should have a right to claim to be transferred from a settlement under private control to one under Government control, (paragraph 669).

(563) It is essential that whoever is placed in charge of a criminal tribes settlement should possess a good knowledge of the language of the people in the settlement and a sufficient acquaintance with Indian manners and customs generally, (paragraph 670).

(564) The compulsory removal of criminal tribes to distant Provinces and different language areas is objectionable and should not be permitted, (paragraph 671).

(565) The practice, followed in the Bombay Presidency, of asking a gang or tribe to select the settlement where they would like to be placed should be adopted generally, (paragraph 671).

(566) The children of members of criminal tribes should not ordinarily be separated from their parents, (paragraphs 672 and 673).

(567) The provision of education for the children of criminal tribes should be steadily insisted on, (paragraph 674).

(568) Regular provision should be made for the teaching of those trades by which it is most likely that the children will be able to earn their living successfully, (paragraph 674).

(569) Adequate medical relief should be provided in each settlement, (paragraph 675).

(570) Before a settlement is located its suitability from a health point of view should be considered, (paragraph 675).

(571) No child, whether brought into, or born in, a settlement, should be registered as a member of a criminal tribe unless he is guilty of crime or misconduct: the automatic registration of children should be prohibited, (paragraph 676).

(572) To assist the absorption of the criminal tribe into the general population it may be desirable to change the caste-name, (paragraph 676).

(573) The manager of a settlement should be responsible for the due provision of work and the work should be so arranged as to furnish a reasonable degree of comfort for the worker, (paragraph 677).

(574) The most successful settlements are those where labour is available in some large neighbouring commercial undertaking, (paragraph 678).

(575) When agriculture is relied on, an adequate area of good land should be provided and, if possible, security against seasonal vicissitudes by provision of irrigation, (paragraph 678).

(576) When outturn is unsatisfactory the effect of a bonus for increased production should be tried, (paragraph 678).

(577) It is essential that the manager of a settlement should receive support from the courts when it becomes necessary to prosecute absconders and offenders, (paragraph 679).

(578) The guarding inside a settlement should, if possible, be entrusted to trustworthy members of the settlement, (paragraph 679).

(579) Police should be excluded from the settlement but there is no objection to a police patrol outside the settlement for the protection of property in the neighbourhood, (paragraph 679).

(580) Any incorrigible person in an ordinary settlement should be transferred to a special settlement to which his wife and any children

not over five years of age should accompany him; older children should be sent to cottage homes provided for the purpose, (paragraph 679).

(581) The procedure under which final and complete release from a settlement can be attained should be definitely laid down, (paragraph 680).

(582) There should be periodical conferences of officers in charge of criminal tribes, (paragraph 681).

(583) Every officer in charge of the criminal tribes of a Province should be provided with a small library of books bearing on this and analogous subjects, (paragraph 681).

(584) The true aim of the settlements should be the reformation of the inmates: the settlements should not be regarded as existing merely for preventive purposes, (paragraph 682).

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# ENGLISH STUDIES IN CRIMINAL SCIENCE

EDITED BY

L. RADZINOWICZ, LL.D.

AND

J. W. C. TURNER, M.A., LL.B.

It has frequently been a source of surprise to foreign students that no school of law in any of our older Universities had an institution devoted to investigating the great social and legal problems created by the law-breaker. What originally led the University of Cambridge to establish within the Faculty of Law a permanent centre devoted to such investigations was the realisation of the fact that although England had taken in recent years a prominent part in penal reform, very little scientific study of crime and of the administration of criminal law had been achieved in this country. It was also hoped that some useful service might be rendered in connection with the problems of post-war reconstruction and subsequent penal developments. Among the work which has been initiated is the publication of the series called *English Studies in Criminal Science*, the aim of which is to stimulate interest in the solution of the problems created by criminality and to promote further research. Details of the five volumes already arranged to appear in this series are given below. Prices and dates of publication will be announced as the volumes appear. Two of the volumes, *Mental Abnormality and Crime* and *Modern Prison System of India* will appear during 1944 and 1945.

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*Preface by PROFESSOR P. H. WINFIELD, K.C., LL.D., F.B.A.*

The startlingly high percentage of mental cases of various kinds which has been revealed by modern official investigations is exercising the minds of all who are interested in the welfare of the community. This phenomenon is especially disturbing to those concerned with the administration of criminal justice. The Cambridge Department accordingly procured the collaboration of the distinguished authors of these studies with the aim of explaining in concise and plain terms the relation between mental defect and criminal behaviour. This is the first publication of its kind in England and it is hoped that it will not only assist

those who have to decide upon the treatment to be accorded to the mentally affected delinquent, but will also provide much needed information for workers in the social and moral sciences.



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It is now coming to be realised that political development and social welfare throughout the British Commonwealth of Nations are linked with the establishment and maintenance of a proper standard of criminal justice. This book describes the main reforms introduced in India since the appearance of the 1919-1920 Report of the "East Indian Jail Committee". Its purpose is to stimulate wider interest in this branch of colonial administration and the author, Colonel Barker, who has taken a prominent part in Indian penal administration for nearly thirty years, is exceptionally qualified to appraise the work so far accomplished. Sir Louis Stuart and Mr. A. Campbell have drawn upon their experience as Indian Judges to add a Note on some peculiar characteristics of criminality in India. This well illustrates the nature of the problems created by local traditions and circumstances.



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*Preface by* PROFESSOR P. H. WINFIELD, K.C., LL.D., F.B.A.

This book, promoted by the Cambridge Department, carries on the tradition initiated some fifty years ago by the late C. S. Kenny, renowned, as Downing Professor of English Law, for his expositions of